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**POLICY-MAKING IN THE EUROPEAN UNION:**  
**A STUDY OF THE NATURE OF THE EUROPEAN UNION THROUGH**  
**THE EXAMINATION OF ITS POLICY PROCESS**

**BRIGITTE BOYCE**

**A thesis submitted in partial fulfilment of the  
requirements of Oxford Brookes University  
for the degree of Doctor of Philosophy**

**December 1995**

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**TO**

**ARTHUR HÄSLER (1932-1978)**

**AND**

**THOMAS BOYCE (1921-1988)**

**IN LOVING MEMORY**



**OXFORD BROOKES UNIVERSITY  
RESEARCH DEGREES COMMITTEE**

**Thesis Abstract Form**

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**ABSTRACT**

This study has discussed the policy process of the European Union in order to illuminate major aspects of the nature of this peculiar and unique political system. The discussion necessarily involves an examination of traditional integration theories, but it concentrates primarily on policy analysis which is based on extensive empirical research and supported by secondary literature and theoretical deliberations. The major research for this project was carried out between 1990 and 1994, in the form of mail surveys, interviews, non-participatory observation and scrutiny of documentation and secondary literature. The empirical approach adopted here is regarded as superior to purely theory-based research, because the former provides more insight into the nature of the European Union than the latter.

The thesis consists principally of a discussion of the general nature of the policy process in the European Union, but contains also a more detailed case study on food policy-making. The findings in this study confirm that there is a marked gap between formal policy procedures and the way in which policy is actually carried out. Consequently, policy-making in the European Union is very varied and dynamic, and cannot be encapsulated into a single static conceptual framework. The gap is explained in terms of the influence of informal factors on policy-making, namely the involvement of private interests, the varied interpretations of the formal provisions which flourish due to Treaty ambiguities and the mediating effects of manifold political and cultural agendas. The actual influence of private interests is difficult to measure, and data are contradictory, but it is nonetheless evident that influence is disproportionately low compared to the extent of consultation and lobbying that characterises policy-making in the European Union. However, as far as broad developments are concerned, business and other economic interests have had significant influence on EU developments - but only if their interests did not diverge too markedly from the political priorities of the most senior European politicians. This finding confirms that, despite many bureaucratic and technocratic elements, the European Union is an intensely political system. Within the realm of politics, national self-interests remain dominant, even though they are constantly challenged and mediated by other political and non-political concertinos. The predominance of national concerns is however constantly reinforced by the hybrid structures of the European Union.

It is argued in the thesis that empirical policy studies must be embedded in a suitable conceptual framework so that they do not result in purely descriptive exercises. Therefore, considerable attention has been given to constructing such a framework. The latter is based broadly on policy networks analysis but emphasises the problems and limitations of this approach and expands the basic concept in order to take account of the idiosyncrasies of the European Union which is a unique political system.

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*(Copies of Publications by the author of the PhD Thesis that are related directly to the research project)*

B. Boyce, 'The Single European Market and the Food and Drinks Processing Industries of France, Germany and the UK', *European Research*, 3(3), 1992, pp.6-11.

J. O'Connor, H. Wilkins & B. Boyce, 'Food Consumption Patterns Towards the Millennium', in Brace, G. & Patten, L. (eds.), *Food and Beverage Europe 1993*, London: Sterling Publications Ltd., 1993, pp.23-6.

B. Boyce, 'Food and the Single European Market', in Brace, G. & Patten, L. (eds.), *Food and Beverage Europe 1993*, London: Sterling Publications Ltd., 1993, pp.55-7.

B. Boyce, 'Human Resources Development, Training, and the Single European Market: a Case Study of the Food and Drinks Processing Industries in the United Kingdom, France and Germany', in Shaw, J.B., Kirkbride, P.S. Rowland, K.M. & Ferris, G.R. (eds.) *Research in Personnel and Human Resources Management, International Human Resources Management*, Supplement 3, 1993, pp.211-38.

B. Boyce, 'Interest Representation in the European Community, European Integration and the Concept of Europeanism', *History of European Ideas*, 19(1-3), 1994, pp.153-9.

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# **CHAPTER ONE:**

## **INTRODUCTION**

Scholars from many disciplines have sought to explain the vagaries of European integration and unity throughout the post-war era. Research into the nature of the European Community, now the European Union (EU)<sup>1</sup>, has been particularly intense, and also very controversial. The thesis fits into this tradition of research and discusses the nature of the EU by way of a study of EU policy-making. In addition, it seeks to design a suitable conceptual framework within which the EU policy process can be discussed.

Section 1.1 highlights the relevance of the EU for political scientists, Section 1.2 demonstrates that the policy analytic approach is a suitable tool for a study of the EU and Section 1.3 outlines the broad structure of the thesis and justifies the choice of case study. Section 1.4 contains a more detailed statement about the exact aims of the thesis. The final part of the Introduction (1.5) provides a synopsis of the field data on which this policy study is based.

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<sup>1</sup> Legally, there are three separate Communities: the European Coal and Steel Community (ECSC, 1951), the European Atomic Energy Community (EAEC or Euratom, 1957) and the European Economic Community (EEC, 1957). In everyday language, the term European Community - as opposed to European Communities - has however been used frequently to refer to all Communities and the same terminology has been adopted here. The Treaty on European Union (TEU, 1993) incorporated the European Communities legally: the European Union (EU) "shall be founded on the European Communities, supplemented by the policies and forms of co-operation established by this Treaty" {*Treaty on European Union*, commonly referred to as Maastricht Treaty, Title I, Article A, Paragraph 3, 1992}. The Treaty also added two new pillars of co-operation (Common Foreign and Security Policy; Common Justice and Home Policy) and expanded on existing policy provisions; hence, with the ratification of the TEU, the European Community (EC) transformed itself into the European Union (EU). In the thesis the label 'EC' is mainly used when referring specifically to the pre-Maastricht era. In general discourse and in relation to recent events, the abbreviation EU is usually employed; there may however be some inevitable overlaps in the use of the two abbreviations.

### 1.1. The Importance of European Integration and the European Union

Throughout history leading political elites have devised mechanisms through which they can reduce costly and devastating excesses of rivalry and/or increase their own power and wealth. Prominent examples are marriage, moral obligations arising from the adoption of similar belief systems and public contractual arrangements such as treaties, unions, international organisations and international law.<sup>2</sup> The success of these arrangements has been mixed. Nevertheless, the search for successful and ever more sophisticated negotiating and conflict reducing mechanisms continues because the threat of trade or military wars has not diminished. The European Union is part of this tradition of creating mechanisms for "jaw jaw" that aspire to prevent "war war".<sup>3</sup>

The devastations caused by two major world wars brutally illustrated the catastrophic effects of major military conflict and it was evident that a mechanism had to be created that would prevent any future recurrence of European and/or world-wide fighting. It seemed clear, too, that such a mechanism would have to facilitate economic growth and, in turn, political stability. However, there was no agreement about the exact form, nor about the extent to which it would have to impinge upon national sovereignty in order to achieve its aims. This lack of agreement explains in part the strange institutional arrangements of the original European Communities, the continuous remoulding of the EU and the large number

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<sup>2</sup> For example, the marriage of Henry Tudor to the Yorkist princess Elizabeth; the conversion to Christianity of many Asians during the Middle Ages by Christian traders so as to ensure safety along trading routes in the East; the Peace Treaties of Westphalia (1648); the UN Charter on Human Rights (1946) and the European Convention of Human Rights (1950). For further illustrations and discussions, see G. Barraclough (ed.), *The Times Atlas of World History*, Times Books Ltd., 1981, or, P. Allum, *State and Society in Western Europe*, Polity Press, 1995.

<sup>3</sup> An expression usually attributed to Winston Churchill, former prime minister of Great Britain.

of uneasy compromises agreed to by politicians and bureaucrats during this continuing process of reshaping.

Early post-war negotiations led, among other things, to the eventual creation of the European Coal and Steel Community (ECSC, 1951) and later the European Atomic Energy Community (EEA, 1957) and the European Economic Community (EEC, 1957). It is argued here that, together, and in the expanded form of the current European Union, these organisations now constitute one of the most sophisticated, complex and potent mechanisms for peaceful<sup>4</sup> interaction between diverse peoples. However, the intricacy and sophistication of the mechanism does not necessarily guarantee its success, especially in the long run, since interactions themselves are complex, even volatile. Nonetheless, to date the mechanism has fulfilled its objectives fairly well, in that it has prevented trade and military war among member states and has created *relative* economic and political stability. Sceptics may attribute this success to external factors, namely US policy towards Europe and the advent of the Cold War,<sup>5</sup> or argue that economic growth had been higher and political stability deeper without formal European integration.<sup>6</sup>

It is not the concern of the thesis to get involved in such speculations. Despite its somewhat fragile infancy, the EU has adjusted to the needs of those who use it as a negotiating mechanism and has evolved as an ever more intricate web of exchanges

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<sup>4</sup> In this context, "peaceful" is *not* synonymous with "no conflict", but refers to interactions that do not lead to outright trade and/or military war and that are guided by the desire to avoid war.

<sup>5</sup> This view of European integration is frequently expressed by Neo-Realist scholars whose reasoning is examined in Chapter three of the thesis.

<sup>6</sup> This view is for example held by some UK "Euro-sceptics" such as Tim Congdon or Alan Sked {BBC Radio 4 programme on the European Union; chaired by Brian Redhead; December 3, 1992}.



that continues to weather assaults fairly well, both from within and from external pressures. Yet, it would be absurd to assume that a negotiating mechanism ever achieves independence from those who use and shape it. Consequently, the EU cannot be regarded as a fully autonomous system, unconstrained by the various national influences upon it. Hence, neither its exact shape nor its life span can be taken for granted, although it has developed significant mechanisms of self-preservation that now mediate the impact of outside influences. Two points follow from this observation. All deterministic theories about European integration are bound to have serious flaws, however parsimonious they are. The nature and solidity, and hence, ultimately the long term success of the European Union as a stabilising force, remains in the hands of its stake holders and of internal and external influences, some of which can obviously not be predicted.

It is essential to study negotiating mechanisms that aim to prevent military and trade conflict, however faulty they may be, because the price of war is so horrendous. It follows that the study of the EU is of fundamental importance because it constitutes one of the most complex, sophisticated and advanced of these mechanisms. Most such mechanisms comprise of many spheres, notably economic, political, cultural ones. The thesis concentrates principally on the political characteristics of the EU.

## 1.2. The Importance of Policy Studies

The production of common policies has been a major aim of the ECSC, the EEC, Euratom and the EU and the policy scope and output has constantly increased. It now directly affects nearly 400 million EU citizens<sup>7</sup>, while many people outside the

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<sup>7</sup> There is ample evidence of the growing impact of European policy on its citizens, and the recognition of that impact. For example, Jacques Delors reckoned that by the end of the century over 80% of economic and social policy will originate in the EU. {See J-D. Giuliani, *Marchands d'influence: les lobbies en France*, Editions du Seuil, 1991, p.204.}

EU have felt indirectly the consequences of particular policy outputs, including the results negotiated during the Uruguay round between members of GATT, aid policy or the blunders over a common foreign policy with regard to the break-up of Yugoslavia. The widespread impact of EU policies alone justifies the emphasis on policy making in this thesis.

Furthermore, there are some obvious merits to a policy analytic approach. Although not all government<sup>8</sup> activities result in policy output, policies "...are the most fundamental government actions."<sup>9</sup> Therefore, the study of how policies are made

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The tremendous impact of the EC, and now EU, on its citizens, on the structures of the member states and on its wider environment, is also frequently discussed in general terms. See for example, F. Gonzalez, 'The Social Dimension: a Political Challenge' in Dankert, P. & Kooyman, A. (eds.) *Europe Without Frontiers*, Mansell Publishing, 1989, pp.59-66, or, *Der Spiegel*, 'Europa: Ist der Maastricht-Vertrag verfassungswidrig?', Jg. 47(26), 28, Juni 1993, pp.31-4, or, L. Tsoukalis, *The New European Economy*, Oxford University Press, 1993, 2nd edition, Prefaces and Introduction.

<sup>8</sup> It will be argued later that the EU is presently *not* a state, but has the potential to become one, *though not automatically, nor necessarily*. It would require the political will of its members to become a state. Nonetheless, the current body politic that constitutes the EU has a recognisable government, even though it lacks democratic legitimacy and is responsible only for certain policies and related activities. See for example Sidjanski on this point: "Certes, la CE n'a pas encore la solidité et ni la capacité des structures socio-politiques des Etats membres. Cependant, bien qu'en pleine formation, elle porte, du moins potentiellement, les principales marques d'une communauté politique naissante." {The EC is certainly not as yet as established, nor as functional in socio-political terms as its member states, but - although it is still being formed - it shows, at least potentially, the major characteristics of a nascent political community.\*\* D. Sidjanski, 'Les groupes d'intérêt de l'Europe du sud et leur insertion dans la CE', *Revue du Marché Commun*, (325), mars 1989, p.164.}

\*\* All foreign language quotes contained in the thesis are freely translated by the author of the thesis, unless otherwise stated.

<sup>9</sup> T. J. Lowi, 'Public Policy and Bureaucracy in the United States and France' in Ashford, D.E. (ed.) *Comparing Public Policies: New Concepts and Methods*, Sage, 1978, p.179.

and implemented reveals a great deal about the nature of a political system.<sup>10</sup> Policy studies are action oriented, that is they are first and foremost concerned with what policy makers<sup>11</sup> actually *do*, particularly if they are faced with unresolved tasks or problems.<sup>12</sup> Policy studies also examine how their activities deviate from the formal policy process: "In politics, the decision centre and the moment when the decision is made are not always the same as the place and time formally defined."<sup>13</sup> Consequently, students of the policy process are as interested in the ideas and behaviour of policy makers, their exchanges with each other, their resources and their position and role in the political system as they are concerned with the institutional and legal framework of a system. Policy studies thus take into account formal and informal aspects of the political and governmental process, so overcoming the limitation of institutional approaches, without however neglecting the mediating power of the institutional framework. As a result, light can be cast on many central political issues such as the relationship between state agencies and civil society, the extent to which political actions mediate the institutional framework, the

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<sup>10</sup> There has long been widespread support for this claim, see for example, E.D. Ellis, 'The Pluralist State', *American Political Science Review*, 14(3), August 1920, pp.393-407; B. Reissert, F.W. Scharpf & F. Schnabel, 'Policy Effectiveness and Conflict Avoidance in Intergovernmental Policy Formation', in Hanf, K. & Scharpf, F.W. (eds.) *Interorganizational Policy-Making: Limits to Coordination and Central Control*, Sage, 1977, pp.57-112; G. Lehmbruch & P. Schnmitter (eds.), *Patterns of Corporatist Policy-Making*, Sage, 1982; R. Mayntz, 'The Conditions of Effective Public Policy: a New Challenge for Policy Analysis', *Policy and Politics*, 11(2), 1983, pp.123-43; A. Cawson, *Organized Interest and the State*, Sage, 1985.

<sup>11</sup> In the thesis, the terms "policy makers" and "policy actors" are used as synonyms and both include formal (e.g. members of the Council of Ministers) as well as informal (e.g. lobbyists) participants in the policy process. The policy process incorporates the stages of policy formulation, policy implementation, policy impact and policy evaluation. "Policy-making" is used in a general manner as a synonym for "policy process".

<sup>12</sup> For support of this view, see for example Wallace who defined policy-making as a "process through which a variety of agencies, groups and individuals interact to perform certain tasks and to grapple with common problems". {H. Wallace, 'Negotiation, Conflict, and Compromise: the Elusive Pursuit of Common Policies', in Wallace, H., Wallace, W. & Webb, C. (eds.) *Policy-Making in the European Community*, John Wiley and Sons, 1983, 2nd edition, p.45.

<sup>13</sup> D. Sidjanski, Introduction in Sidjanski, D. (ed.) *Political Decision-Making Processes*, Elsevier, 1973, p.3.

systemic diversity caused by such mediations, the implications for accountability and democratic values arising from the effects of informal influences and the forces that make for policy change, including the division and location of political power.<sup>14</sup>

Scrutiny of the policy process also reveals the types of policies produced. For example, with regard to the EU, it is particularly relevant to distinguish between regulatory and distributive policies.<sup>15</sup> EU policies have so far been predominantly regulatory and distributive,<sup>16</sup> but the money available for distribution has been

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<sup>14</sup> The strengths and advantages of policy studies have been discussed more comprehensively elsewhere. See for example, B. Jenkins & A. Gray, 'Bureaucratic Politics and Power: Developments in the Study of Bureaucracy', *Political Studies*, 31(2), 1983, pp.177-93, or, M. Burch & B. Wood, *Public Policy in Britain*, Basil Blackwell, 1989, 2nd edition, or, S. Bulmer, 'Setting and Influencing the Rules', Paper presented at the ESRC Conference on the Evolution of Rules for a Single European Market, University of Exeter, 8-11 September 1994. Political philosophers have, on occasions, expressed concern that the concept of power has been used in a careless way by policy analysts. While this reservation is justified in many instances, it is not possible to enter into an extensive discussion on the exact meaning(s) of the notion of power or the related notion of political influence within the scope of the thesis. In the context of this study, the concepts basically refer to the extent to which individual policy actors shape the final outcomes of policies. {For lucid philosophical accounts of the concept of power, see for example, S. Lukes, *Power: a Radical View*, Cambridge University Press 1974 or P. Morriss, *Power: a Philosophical Analysis*, Manchester University Press, 1987.}

<sup>15</sup> For a brief general discussion on the importance of distinguishing between the types of legislation produced in the European Union, see for example, B. Axford, & B. Boyce, 'Changing Rules of the Game: New Ways of Reading European Unity', Paper presented at the ESRC Conference on the Evolution of Rules for a Single European Market, University of Exeter, 8-11 September 1994. Bulmer *op.cit.* and Majone also distinguish usefully between types of policies, especially with regard to regulatory policies, distributive policies, 'enabling' policies, etc. ('enabling' policies provide opportunities for those who are affected by them). Majone's work usefully locates the discussion on different types of policies within a broader conceptual framework, concerned with the 'nature' of political systems in general, and the changing nature of European politics during the past few decades in particular. Where appropriate, the thesis contains more detailed references to this issue. {See notably, G. Majone, 'Cross-national Sources of Regulatory Policymaking in Europe and the United States', *Journal of Public Policy*, 11(1), 1991, pp.79-106; G. Majone, 'The European Community Between Social Policy and Social Regulation', *Journal of Common Market Studies*, 31(2), June 1993, pp.153-70; G. Majone, 'The Rise of the Regulatory State', *West European Politics*, 17(3), 1994, pp.77-102.}

<sup>16</sup> See for example Lange's (1992; 1993) work on social policy in the EU which indicates that much policy in this sector is regulatory, with no or limited financial commitment on behalf of the EU. {P. Lange, 'The Politics of the Social Dimension' in Sbragia, A.M. (ed.) *Euro-Politics*, The Brookings Institution, 1992, Ch. 7; P. Lange, 'Maastricht and the Social Protocol: Why Did They Do It?', *Politics and Society*, 21(1), 1993, pp.5-36.}

minimal. Regulation is thus very attractive, especially if it does not directly affect the EU's own financial resources. Since European integration has been deliberately advanced through the use of common policies, the emphasis on regulation explains in part why many critics have accused the EU of over-regulation. The limits to the EU's own financial resources, on the other hand, indicate the limitations to genuine Euro-federalism (see also Chapter three) and the difficulties in achieving aims such as economic and social cohesion through distributive policies.

The policy analytic approach has a further advantage. It is notoriously difficult to keep track of policy initiatives that were prevented or abandoned, the policy approach uncovers some such dead ends, thereby further revealing systemic tendencies such as pressures towards non-intervention.<sup>17</sup> Finally, the policy analytic process justifiably emphasises the centrality of empirical research,<sup>18</sup> yet, usefully embeds empirical data within theoretical frameworks.

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<sup>17</sup> Sometimes, the withdrawal of a policy initiative in the European Union is guided by common sense. An appropriate example was the policy initiative that would have led to rescue services being able to be sued for negligence, unless they could prove that they could not help the rescued more than they had actually done. {See 'Lifeboat crews/mountain rescue teams may be sued for negligence for any injuries suffered by the people they rescue', in *The European Community: Facts and Fairytales*, Publication of the Foreign & Commonwealth Office, 1993, p.12.} Sometimes, it is however driven by political and/or ideological motivation. For example, some of the policies scrapped since the signing of the Maastricht Treaty, have been the results of political and/or ideological pressures for non-intervention at the European level. Unsurprisingly, justifications have involved the concept of "subsidiarity". {See for example, *The Economist*, 'Scapegoat Passes Buck', 325(7779), 1992, p.49.}

<sup>18</sup> All single-track methodological approaches to research pose problems and suffer from weaknesses. Consequently, a balance between empirical and theoretical considerations has been attempted in the research project. However, primacy has been given to the analysis of *extensive* empirical data, resulting from *intense* field work including two major mail questionnaire surveys, a very large number of interviews, non-participant observation and extensive text analysis of primary documentary sources. There is support for this approach elsewhere, e.g. in M.P. Petracca, 'Tilling the Field of Interest Group Research: an Overview of New Insights', *Perspectives on Political Science*, 22(2), spring 1993, pp.61-9.

Inevitably, traditional policy studies suffer from a number of shortcomings. For example, contextual influences, like political and economic pressures arising within the international context or consumer consumption patterns, are often ignored even though they can significantly mediate policy outcomes.<sup>19</sup> Sometimes it is difficult to distinguish if someone or some organisation is a genuine policy actor or a contextual factor that influences indirectly policy outcomes. For example, business organisations form part of the policy context, but business people, who are actively involved in lobbying, are also informal policy-makers. In the thesis the distinction is made as follows: anybody who attempts to directly influence policy is considered a policy-maker; any indirect influences - like American trade policy, movements in the main financial markets, business organisations that do not take advantage of new opportunities arising from changes in EU legislation - count as part of the wider policy context. For reasons of manageability, less attention is paid to such factors than to policy making per se. However, the importance of outside factors is recognised and illustrated in Chapter seven.

Measuring the influence of individual actors or factors on policy outcome is notoriously difficult; a point frequently made by questionnaire respondents and interviewees and confirmed by academic literature.<sup>20</sup> Consequently, there are very

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<sup>19</sup> There is sporadic evidence for this claim throughout the thesis as well as in established literature on policy studies, e.g. C.W. Anderson, 'The Logic of Public Problems: Evaluation in Comparative Policy Research' in Ashford, D.E. (ed.) *op.cit.*, pp.19-43.

<sup>20</sup> This point is for example made by J. Potters & F. Van Winden, 'Modelling Political Pressure as Transmission of Information', *European Journal of Political Economy*, 6(1), 1990, pp.61-88. The authors acknowledged the shortage of such models and hence, sought themselves to establish a model that overcomes this problem. As indicated in footnote 21, they were however only partially successful.

few systematic approaches to measuring influence, with the exception of some mathematical models that usually create almost as many problems as they solve.<sup>21</sup> There is much evidence in the thesis and elsewhere that the number of variables that mediate influence is variable and that the behaviour of mediators is volatile. Consequently, commonly named factors making for strong influence, notably size, financial resources of pressure groups, pivotal structural positions of policy-makers in the policy cycle, are not always as dominant as has widely been assumed.<sup>22</sup> The problem of measuring influence is aggravated by the veil of secrecy which surrounds policy-making, particularly in the EU's Council of Ministers (CoM), and the subsequent lack of some key information. The virtual impossibility of truly neutral observation and analysis causes further problems. These complications are not discussed here at length, since they are adequately addressed elsewhere.<sup>23</sup> However, they are borne in mind throughout the thesis.

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<sup>21</sup> See for example, G. Becker, 'A Theory of Competition amongst Pressure Groups for Political Influence', *Quarterly Journal of Economics*, 98(3), August 1983, pp.371-400, or, Potters & Van Winden *op.cit.* The latter produced a rather sophisticated model of influence measurement which was based on game theory and which allocated variables to incomplete information and uncertainty. Yet, they themselves accepted the limitations of such prototypes. Notably, the latter tend to contain built in assumptions that enable theorists to limit the number of variables and to simplify the predicted behaviour of these variables so as to keep calculations and analysis tractable. Justifiably, Potter & Van Winden, *op.cit.*, nonetheless emphasised the contributions made by their, and similar, quantitative approaches to the measurement of political influence in the policy process.

<sup>22</sup> See for example, B. Keller, 'Interessenorganisation und Interessenvermittlung', *Kölner Zeitschrift für Soziologie und Sozialpsychologie*, 42(3), 1990, pp.502-24. Keller convincingly argued that the relationship between resources and influence was much more complex and varied than had sometimes been assumed. Keller's argument is relevant to the European Union, where diffuse patterns of influence have emerged; a point confirmed for example in, C. Harlow, 'A Community of Interests? Making the Most of European Law', *The Modern Law Review*, 55(3), 1992, pp.331-50. Furthermore, field data collected for the thesis confirms that the relationship between resources and influence is not necessarily straightforward. For example, UNICE, the European Trade Association for Industry and Business, have not always achieved the level of influence on policy outcomes that was widely expected of them, given their human and financial resources. This point is developed in Chapter five of the thesis.

<sup>23</sup> See for example A.R. Ball, *Modern Politics and Government*, Macmillan, 1983, 2nd edition, Part 2, Ch. 6, or, R. Breitling, 'The Concept of Pluralism' in Ehrlich, S. & Wootton, G. (eds.) *Three Faces of Pluralism*, Gower, 1980, Ch. 1.

Some policy studies suffer from excessive optimism and are full of inappropriate sweeping generalisations. These shortcomings apply particularly to some early efforts whose overriding objective was the creation of a general theory or model of policy making.<sup>24</sup> Nowadays, the emphasis tends to be on case studies of particular policy sectors and generalisations are either avoided or very tentative. Given the diversity of policy making in all political systems, case studies are indeed preferable, provided that they are put into a conceptual framework and do not become purely descriptive exercises. Hence, Chapter six concentrates on the elaboration of a suitable conceptual framework for policy case studies, drawing extensively, but not exclusively, on the literature of policy networks analysis. Furthermore, such studies should not altogether lose sight of the macro- and micro-level of analyses.<sup>25</sup>

The thesis contains a case study on food policy, including policy formulation, implementation and impact (Chapter seven). The function of this chapter is two-fold: it presents and analyses empirical data in greater depth than the more general discussions in Chapters four and five and it tests and discusses some of the analytical issues raised in Chapter six. In Chapter seven, the role of implementation and policy impact are stressed, along with policy formulation, because they can significantly alter policy outcome. Occasionally, policy studies have omitted reference to policy implementation and impact, yet it is now widely acknowledged that these aspects can significantly distort policy output and may well influence future policy decisions.

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<sup>24</sup> See for example, A.F. Bentley, *The Process of Government*, Harvard University Press, 1908, or even, R.A. Dahl, *Who Governs?*, Yale University Press, 1961. It must be said, though, that these works, despite their shortcomings, constituted extremely valuable and path breaking contributions to the study of policy making and interest group representation.

<sup>25</sup> On this point, see particularly Chapter six, but also, for example, K. Dowding, 'Policy Networks: Don't Stretch a Good Idea Too Far' in Dunleavy, P. & Stanyer, J. (eds.) *Contemporary Political Studies*, Vol. 1, Political Studies Association Publications, 1994, pp.59-78; M. Mills & M. Saward, 'All Very Well in Practice, but What about the Theory?', in *ibid.*, pp.79-92.



Chapter seven elaborates on these points and demonstrates that these policy stages have been particularly relevant as far as the EU is concerned, since there have been significant problems with implementation and, sometimes, disappointing reactions to the potential arising from 'enabling' policies.<sup>26</sup>

### 1.3. Structure of the Thesis

Policy studies still need to be based on an understanding of the formal structures, institutions and linkages within a political system. Chapter two explores these features, but concentrates on the complex historical legacy of the EU, and its ambiguities and intricacies, rather than on a basic description of the EU's institutional make-up and its formal policy structures. It is not necessary to delineate the latter in detail, because this task has been undertaken at length elsewhere and another factual description would not provide new insights.<sup>27</sup>

The policy approach is not limited by assumptions on the role of territoriality in the same way that traditional institutional studies are. This is particularly welcome in respect of the EU where much policy-making takes place within policy spaces that transcend the boundaries between sub-national, national and European levels. However, the dichotomy between national and supranational influences in the EU remains sufficiently marked that it has to be taken into account. Chapter three contains a discussion on this dichotomy and looks at various attempts to conceptualise the phenomenon. A synopsis of the major integration theories is provided, highlighting their limitations but also, where appropriate, their merits. Discussions are limited for two good reasons. Integration theories are widely

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<sup>26</sup> See footnote 15.

<sup>27</sup> See Chapter two for further details.

discussed elsewhere and there is neither the necessity nor the scope to exhaustively deal with them here.<sup>28</sup> The thesis focuses on policy analysis; material on European integration is used primarily to enhance the benefits of policy analysis. In view of the 'schizophrenic' nature of the EU, integration discourse must be incorporated into any examination of this peculiar political system. However, on its own, integration discourse is no longer an adequate approach to the exploration of the EU because it provides too little insight into the workings of the system and concentrates excessively on the relationship between specific territorial entities within this system.<sup>29</sup>

Chapters four, five and seven provide empirical evidence for the duality between national and supranational forces. Chapters four and five aim however principally to test the suitability for EU policy-making of some well established macro-level conceptual frameworks. Both chapters revolve around the presentation and analysis of large parts of the field data carried out for the thesis, but include, where appropriate, references to other studies of policy-making in the EU.

Chapters four and five also demonstrate that the variety in the EU policy processes necessitates a more flexible, case studies based, conceptual framework. Consequently, chapter six centres on a discussion of policy networks analysis, which is now widely used to conceptualise policy case studies, and assesses the merits and limitations of this analytic approach to EU policy case studies. It is argued that the

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<sup>28</sup> The material on European integration theories is now vast, but some particularly salient (though not unproblematic) and recent discussions on this topic are: W. Wallace, 'Introduction: the Dynamics of European Integration' in Wallace, W. (ed.) *The Dynamics of European Integration*, Pinter Publishers, 1990, pp.1-26; S. Hix, 'Approaches to the Study of the EC: the Challenge to Comparative Politics', *West European Politics*, 17(1), 1994, pp.1-30. Nelsen and Stubb (1994) have recently also produced a badly needed reader on European Integration Discourse: B.F. Nelsen & A. C-G. Stubb (eds), *The European Union: Readings on the Theory and Practice of European Integration*, Lynne Rienner Publishers, 1994.

<sup>29</sup> This point will be argued in greater detail in Chapter three.

value of policy networks analysis as an explanatory tool is controversial, but that it constitutes a useful point of departure for the design of a more satisfactory framework for the analysis of EU policy case studies. Chapter seven, which contains the case study on food policy-making, attempts to test the main premises elaborated in Chapter six. As stated earlier, it also provides more detailed and in-depth empirical data on policy-making in the EU at the sub-systemic level. Hence, this chapter revolves around the presentation and analysis of the data collected during the field research for the thesis, too. The case study in Chapter seven focuses on food policy for the following reasons:

1. Common food policy making has a long tradition in the EC and the first EC directive adopted by the Council of Ministers (1962) concerned food colouring.<sup>30</sup>
2. Food policy symbolises the recent fundamental change in the EC's approach to legislation, following the Cassis de Dijon ruling by the European Court of Justice (ECJ) in 1979.<sup>31</sup>
3. Food policy-making is directed by an extraordinary mixture of political, technical, socio-cultural and economic considerations.<sup>32</sup>

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<sup>30</sup> D. Buchan & N. Colchester, *Europe Relunched*, Hutchinson Business Books, 1990.

<sup>31</sup> See Chapter two.

<sup>32</sup> Numerous interviews confirmed that food policy had indeed been a mixture of technical and highly political, and thus potentially ignitable, policy making (see also quotes in Chapter seven). The observation sessions in the ESC (see Section 1.4.5.) corroborated these findings: some policies raised purely technical queries, others were clearly guided by political, indeed even philosophical, convictions. This interpretation is further borne out in appropriate literature, e.g. P. Gray, 'How EC Legislation will Affect your Future' in Brace, G. & Patten, L. (eds.) *Food and Beverage: Europe 1993*, Sterling Publications, 1992, pp.31-3. (For further references, see also Chapter seven.)

4. Food policy-making in the EU has been closely mediated by the Common Agricultural Policy (CAP), so demonstrating the interdependent nature of much sectoral policy-making.
5. Food policy-making in the EU takes place at the interface between nationalism and supranationalism, so reflecting the dichotomous character of the EU.<sup>33</sup>
6. European food policy output directly affects every person living in the EU, but is obviously of particular significance to the European food and drinks processors who, in total, are the biggest contributors to jobs and value added in the EU.<sup>34</sup>
7. Some areas of the food and drinks processing industries were already highly integrated at the European levels, others were not, when the Single European Act was signed in 1986. Consequently, it is an important case study to monitor the varied impact of this policy package on European industry. The validity of this study is further enhanced because the food sector contains firms of all sizes and, hence, demonstrates how size - which is frequently related to economic power - can mediate policy impact.

The level of integration is extremely varied for different policy sectors, with some of the key sectors, like foreign and security policy, not having developed much beyond a commitment towards greater consultation and co-operation. Consequently, it

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<sup>33</sup> See especially Chapters two, three and five on the interaction between nationalism and supranationalism in the EU.

<sup>34</sup> For further details, see Chapter seven as well as, e.g. P. Cecchini, M. Catinat & A. Jacquemin (eds.), *The European Challenge 1992 - the Benefits of a Single Market*, Wilwood House Publishing, 1988, pp.57-61.

would be truly absurd to draw general conclusions from the case study which fulfils nonetheless three, more limited, aims. It demonstrates the variety of policy patterns in the EU, even within one particular sector. It reveals that, even in a long established EU policy sector, national interests continue to mediate quasi-supranational policy-making. It constitutes a testing ground for policy networks analysis as adapted for EU policy-making in Chapter six.

Unless a post-modern view of policy making is adopted, questions about how individual case studies reflect upon the nature of an entire political system are nonetheless indispensable.<sup>35</sup> The Conclusion (Chapter eight) includes therefore a brief discussion on the relationship between case studies and the wider political system, based on the findings in the thesis.

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<sup>35</sup> It is not the purpose of the thesis to discuss in great detail the respective merits of post-modernism and modernism. Nonetheless, Chapter three contains some brief references to post-modernism and the European Union. However, the thesis takes a quasi-modernist approach in that it rejects the idea that there is no essence to phenomena such as the European Union. By contrast to traditional modernist belief, the project questions whether such an essence can be captured adequately and *during the evolution of a body politic*, rather than in hindsight only. In this respect, some of the deliberations on the nature of the EU in the thesis are philosophically related to the existentialist belief that complete essence is achieved only at the moment of death or another form of total stagnation, such as the full-scale collapse of a body politic, and is therefore only then fully accessible to analysis. Essence is thus seen as a process which achieves its apex at the point of stagnation only, but which is nonetheless continuously evolving, with certain elements becoming irretrievably part of the final essence, but with the persistent opportunity for change through wilful interaction. The relationship between existence and essence and the role of the latter in human beings' lives has been widely discussed by existentialist philosophers, but is particularly poignantly depicted in Huis-Clos, a short theatre piece by Jean-Paul Sartre. {J-P. Sartre, *Huis-Clos*, Methuen Educational Library, 1987.}

Although existentialists were concerned with human essence, there is a case to be made for the application of some of their views to a body politic, since the latter is formed and influenced by human behaviour. The relationship between such behaviour and institutionalisation will be further discussed in Chapters two and three, but this relationship is undoubtedly interactive, and hence, affected by wilful human action. It is not appropriate to mount a critique of existentialism in this thesis but its shortcomings are partially related to an excessive belief in free human will and the potential of humans to reshape institutions, etc. In this respect, further discussions on the topic will distance themselves noticeably from classical existential arguments, although they strongly endorse the existentialist rejection of philosophical, social and political determinism.

#### 1.4. Aims of the Thesis

The main aims of the thesis derive from the above observations and are as follows:

1. To examine the formal and informal aspects of the policy process (formulation, implementation, impact) in the European Union by way of a comprehensive policy study. The study includes general considerations as well as a case study of food policy-making and is based primarily on field research (mail surveys, interviews, non-participatory observation, examination of documentation). Where appropriate, secondary literature on other EU policy studies is utilised, too.
2. To explain how and to what extent the examination of the policy process reveals the dynamics and characteristics of the European Union.
3. To devise a suitable conceptual basis for the study of the EU policy process, through a critical appraisal of established approaches to policy-making and an adaptation of policy networks analysis.
4. To test the adapted conceptual framework by way of a policy networks case study (on food policy; see also aim 1).
5. To critically evaluate the methodological approaches used to collect original data for the thesis.

## 1.5. Methodology

### 1.5.1. Introduction to the Discussion on Methodology

Several techniques were used to compile the 'raw material' for this thesis: two independent mail surveys, including a pilot and a small follow up survey relating to the second mail survey; semi-structured and informal interviews; non-participant observation, study of documentation such as annual reports of trade associations, minutes of meetings; attendance of relevant seminars (mainly on food law and food policy), study of secondary literature and audio-visual information.

The main features of the mail surveys, interviews and non-participant observation are briefly summarised below, but the other techniques are not discussed separately, since they are part and parcel of any academic research. Appropriate questionnaires, sets of interview questions and a list of interviewees are all in Appendices I to III.<sup>36</sup> Appendix I contains in addition a detailed discussion of the learning experience gained from the larger of the two mail surveys undertaken, because this cross-national survey raised many interesting methodological points, which could not possibly be adequately summarised within the main structure of the thesis. Nonetheless, a brief outline of its main features is provided below for reference purposes.

The results of the field work are not discussed in one or two specific chapters - although Chapters four, five and seven contain the bulk of the field data that were

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<sup>36</sup> All questionnaires were designed in English and then translated into French and German by the author of the thesis; however, for reasons of manageability, Appendices I and II contain the English versions only. The same goes for all related correspondence and the pool of interview questions (see Appendices I-III).

selected for presentation and analysis - but are introduced throughout the thesis, as appropriate, and are interlaced with secondary literature and theoretical considerations. This approach reflects the close relationship between theory and empirical data that informs policy analysis.

1.5.2.        Mail Survey on the Perceptions of, and Responses to, the Single European Market by British, French and German Food and Drinks Processors

The field work for the MPhil stage of this thesis was based on a large cross-national mail survey (France, Germany, UK) on the perceptions of, and responses to, the Single European Market (SEM) by British, French and German food and drinks processors. A pilot of 20 questionnaires took place in early 1990. Five completed questionnaires (25%) were returned and, after some appropriate amendments, the main survey was launched in October 1990, with addresses taken from a computer based random access search of Dunn & Bradstreet's list of food and drinks processors.<sup>37</sup> Data analysis began in autumn 1991. Questionnaires contained 39 pre-coded questions, including a number of multi-variables, and an explanatory letter, instructions and two support letters (see Appendix I) from relevant official organisations. Two follow up letters were mailed but for financial reasons they contained no further questionnaires, nor stamped addressed envelopes.

A total of 2,100 questionnaires were dispatched; 700 to each participating country. Some 102 valid responses were obtained in total, although not all questions have been answered, or answered properly, on each valid response. Hence, in certain areas valid responses may be as low as 75 or thereabouts. The distribution along

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<sup>37</sup> For a brief discussion of the problems associated with this choice, see Appendix I.



national lines is *relatively* even (UK:41; F:29; G:32). Appendix I contains a discussion on the reasons for the low response rate.

In the sample, small businesses dominated heavily in that 87% of respondents employed 250 or less staff, with only 6% of respondents employing 1,000 or more staff. This peculiar profile reflects more or less the actual structure of the European food and beverage industries and has been taken into account during the discussion of the findings.

The survey data were analysed with the help of SPSS/PC and, following Bryman and Cramer's recommendations, the resulting tables and figures are based on univariate and bivariate analysis (cross-tabulation), including, in the latter case, Chi-square tests so as to establish the absence or presence of a significant relationship.<sup>38</sup> The data are *not representative*, given the small number of responses and statistically relevant relationships.<sup>39</sup> Nonetheless, it was feasible to use the results as indicators of probable trends. Hence, they provided a useful basis for further in-depth investigation through qualitative approaches. Although not all the data are directly referred to, they inform many of the discussions in the thesis and are particularly relevant to the case study on food policy in Chapter seven.<sup>40</sup>

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<sup>38</sup> A. Bryman & D. Cramer, *Quantitative Data Analysis for Social Scientists*, Routledge, 1990.

<sup>39</sup> Chapter seven and parts of several earlier chapters reveal the very small number of statistically relevant relationships and, simultaneously, acknowledge that, where such relationships appear, they are probably not representative because of the small size of samples; a problem illustrated here as well as in two publications by the author and based on the survey data: B. Boyce, 'The Single European Market and the Food and Drinks Processing Industries of France, Germany and the UK', *European Research*, 3(3), 1992, pp.6-11, and, B. Boyce, 'Human Resources Development, Training, and the Single European Market: A Case Study of the Food and Drinks Processing Industries of the United Kingdom, France and Germany' in Shaw, J.B., Kirkbride, P.S., Rowland, K.M. & Ferris, G.R. (eds.) *Research in Personnel and Human Resources Management*, *International Human Resources Management*, Supplement 3, 1993, pp.211-38.

<sup>40</sup> The synopsis of the questionnaire results in Appendix I confirms that it was not necessary to present the results of each individual question in the main body of the thesis, since a number of recurring trends can be deduced from the responses.

### 1.5.3. Mail Survey on Lobbying and the Single European Market

The main stage of the field research that informs the thesis centred on an examination of interest representation and policy-making in the EU. This material forms the basis for the discussions of Chapters four, five and seven, and informs many of the debates in other chapters of the thesis.

Due to financial and time restraints, it was impossible to exploit by interview alone the wealth of relevant data on policy-making and lobbying in the EU, available from Eurocrats, MEPs, trade officials, lobbyists, industrialists and politicians. Hence, in addition to widespread interviewing (see 1.5.4), a mail survey for this stage of the research was carried out between autumn 1991 and summer 1992 so as to tap at least some of the insider knowledge in a relatively cheap and uncomplicated way.

The questionnaires were again produced in English, French and German (see Appendix II for a specimen in English); they were not precoded, but requested short written answers in order to be more compatible with the data collection by way of interviews (see Section 1.5.4.). However, in a few cases, numerical analysis was worthwhile, as can be seen from the appropriate discussions in the thesis.

The 300 questionnaires which were dispatched produced 87 valid answers; that is a response rate of 29 %. Although this response rate is much sounder than the one for the first mail survey (see Appendix I), it cannot be regarded as representative either, given that the response rate is still well under 50% and that the sample is small.<sup>41</sup>

Yet, the data can again be used as indicators of possible trends, because every effort has been made to be as precise as possible during the collection and analysis of data. Moreover, collected data can be meaningful, even if it is neither statistically significant, nor representative.<sup>42</sup> Given the limitations of scope and manageability, *meaningful* data is all that has been aimed at in the thesis.

#### 1.5.4. Interviews

Approximately one hundred interviews were carried out for the thesis (see Appendix III), mainly, but not exclusively, between April 1991 to April 1992. Interviewees came from various walks of life and included, local, national and European politicians, local, national and European civil servants, consultants and lobbyists,

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<sup>41</sup> On the issue of representativeness, see for example M.B Youngman (ed.), *Designing and Analysing Questionnaires*, TRC-Rediguides Publications, 1982. Youngman maintained quite correctly that any response rate under 50% was suspect with regard to representativeness, particularly in a small sample where only response rates above 80% could be claimed to be genuinely representative. Bearing these considerations in mind, it follows that both surveys, and especially the larger one, are intrinsically problematic where representativeness is concerned. The issue is pursued in more depth in Appendix I, during the detailed discussion on methodology with regard to the larger of the two mail surveys.

<sup>42</sup> See for example L. Kish, 'Problems in Statistical Analysis' in Hayes, L.D. & Hedlund, R.D. (eds.) *The Conduct of Political Inquiry: Behavioural Political Analysis*, Prentice-Hall, 1970, pp.153-8. Kish persuasively discussed the complex relationship between the terms "statistically significant" and "meaningful". The discussion stressed the importance of the size of sample in relation to these terms, since, in small samples, results that were meaningful would more often appear as statistically insignificant than in large examples, where a statistically significant relationship was more likely to be uncovered. Meaningful, in Kish's terms, meant something that *needed* to be explained or that was *worthwhile* explaining. While this interpretation is inevitably subjective, it is nonetheless a useful indicator of the notion of meaningfulness, and hence, has been adopted in the thesis; particularly since Kish's discussion illustrated that there was also a certain subjectivity surrounding the concept of "statistically relevant". A similar line of thought was adopted by D.A. De Vaus, *Surveys in Social Research*, Unwin Hyman, 1990, 2nd edition. De Vaus emphasised that cross-tabulation was in the first instance concerned with whether there was an association *of some kind* between two variables or whether these were entirely independent. Hence, in De Vaus' view, a relationship was meaningful if two variables were in some way(s) and/or to some extent associated with one another. For small scale research, the discovery and evaluation of such relationships is the only appropriate way of handling data. Any attempts to make much of statistically relevant or irrelevant correlations is absurd.

industrialists, representatives from trade unions and trade associations, academics.<sup>43</sup> In an effort to update the interview material, 10 re-interviews (see Appendix III) were carried out in early 1994.<sup>44</sup> Answers did not seem to vary significantly which was reassuring, given the inevitable time lapse between the earlier interviews and the presentation of the evaluated data.

A small number of interviews centred on organisational responses to the SEM, but the bulk concentrated on the main theme of the thesis, that is European policy-making and integration. Given the variety of interviewees it would have been nonsensical to have one fixed interview schedule; hence, appropriate interview schedules were designed individually, "dipping" into a pool of questions (see Appendix III). In addition, all interviewees were given an opportunity to add their own comments. This strategy proved to be fruitful and so was the occasional probing. Given this approach, interview length varied considerably - between 15

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<sup>43</sup> Regrettably, many interviewees insisted on anonymity, but every effort has been made in the thesis to indicate the sources of quotes and specific information in the thesis as closely as possible. Appendix III contains a list of interviewees.

<sup>44</sup> Various "re-interviewing" or "follow-up interviewing" techniques have been used in the thesis on a small scale. The 1994 interviews aimed to test whether people had significantly changed their minds about issues, given the arrival and ratification of the Maastricht Treaty between 1991 and 1994. For reasons of manageability these interviews were limited to Brussels. With regard to both mail surveys, some follow-up work was carried out: willing participants were given open ended follow up questionnaires; alternatively they were visited or contacted by telephone so as to obtain further information and/or to check that they had not changed their mind in the meantime. The re-interviewing and follow-up interviewing techniques produced much valuable material, albeit from a specifically willing and enthusiastic group. Although the contexts are all different, the validity of returning in one way or another to original sources of information is acknowledged in discussions such as A. Bryman, *Quantity and Quality in Social Research*, Unwin Hyman, 1988, or, D. Buchanan, D. Boddy, & J. McCalman, 'Getting in, Getting on, Getting out, Getting back' in Bryman A. (ed.) *Doing Research in Organizations*, Routledge & Kegan Paul, 1988, pp.53-67, or, G. Hahlo, 'Examining the Validity of Re-interviewing Respondents for Quantitative Surveys', *Journal of the Market Research Society*, 34(2), 1992, pp. 99-117.

minutes and 3 hours approximately. About two thirds of the interviews were taped; notes were taken during the other meetings.<sup>45</sup>

Cross-national interviewing is costly and time consuming, but, with regard to this project, it has produced a wealth of usable data, based on the contributions of an extremely varied target group. Interviewing was the most successful technique to retrieve helpful information from such a wide range of participants and with regard to so many different aspects of European policy-making and integration. Inevitably, the material cannot be considered representative, given the heterogeneity of the target groups, the variety of sub-themes within interviews and the limited number of interviewees. However, as stipulated above, the overall aim of the field work was not to produce representativeness, but to produce meaningful material for debate.<sup>46</sup>

Efforts were made to respect the cultural environment of the interviewees, including adequate preparation for interviews, time-keeping, respect for professional limits to openness, adoption of the preferred language of the interviewee whenever possible.

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<sup>45</sup> There were two reasons for not taping interviews. Some interviewees refused, but some interviews were not taped so as to see if this produced more intimate information. Differences seemed slight, but there were more *very frank* remarks among those interviewees that were not taped. For highly sensitive subjects, it may thus be more fruitful not to tape, even though taping is usually advised; see for example W. Belson, *The Methods of Survey Interviewing: Fundamental Skills and Advanced Techniques*, 1 Day Course run by William Belson Ltd. Survey Research Centre, attended by the author of the thesis in 1990, as well as, C.A. Moser & G. Kalton, *Survey Methods in Social Investigation*, Gower, 1989, 2nd edition. In the final analysis, a decision has to be made for each interview, taking into account circumstances.

<sup>46</sup> Two further comments on representativeness are necessary. First, when discussed, the notion of representativeness is often wrongly based on the assumption that target groups are relatively homogenous and/or tangible. For example, many social surveys are concerned with even distribution between genders, between age ranges, class, etc. However, in the case of this study, the target groups are complex and relatively intangible. For example, food processors can also be lobbyists or experts working for the European Commission, so they cannot simply be grouped into one or other target group. Furthermore, groups such as Euro-lobbyists are an ill-definable, constantly changing entity, and it would be almost impossible to put a number to such a group, hence it would be equally impossible to determine what proportion the sample constituted. The second point is related: given that the thesis is concerned with several, albeit linked target groups, all of which are sizeable, it would be nonsensical to aim at creating overall representativeness, given the limited scope of the thesis.

Given the friendly reception by most interviewees these efforts paid off.<sup>47</sup> It was hardest to arrange interviews in France, even though interviewees were very helpful once they had agreed to participate. This finding may be coincidental but it does fit in with the considerable evidence that in France people have traditionally felt uneasy about discussing the role of informal influences in the decision-making processes.<sup>48</sup>

#### 1.5.5. Non-Participant Observation in the Economic and Social Committee

During April 1992, non-participant observation of some ESC working sessions took place. Although this experience was more limited in scope than the surveys and interviews, it provided unprecedented insight into one part of the decision-making processes of the European Union.<sup>49</sup> In combination with the other methods it proved very useful. Extensive non-participatory observation at all levels and stages of EU policy-making would have been ideal, but was neither permitted nor feasible from the point of view of resources. Moreover, the material gathered by survey and interview helped to make sense of the observed situations which were characterised very much by insider rituals and language that may not be comprehensible to somebody who had not already acquired prior knowledge of the cultural setting. In

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<sup>47</sup> Literature confirms the importance of respecting such basic cultural aspects. See for example, J. Rothman, *Using Research in Organizations: a Guide to Successful Applications*, Sage, 1980, or, *Management Decision*, 'How should Questionnaires and Interviews be Planned?', 28(5), 1990, pp.28-31.

<sup>48</sup> For appropriate references, see Chapters five and seven.

<sup>49</sup> Observation is widely used in social science research but its merits are frequently challenged, particularly by proponents of quantitative approaches to research, due to associated problems with subjectivity. On the other hand, it has tended to be a favourite approach with ethnographers. This research study benefited from the addition of observation, but, as stated above, within the context of a broader methodological framework. For valuable discussions on this controversy and/or observation as a methodological tool in general, see for example De Vaus *op.cit.*; M. Mies, 'Towards a Methodology for Feminist Research', in Hammersley, M. (ed.) *What's Wrong with Ethnography?*, Routledge, 1993, pp.64-82.

the case of said observation, the possession of such knowledge therefore vastly outweighed the complications arising from cultural filtration.<sup>50</sup>

#### 1.5.6. Methodology: Some Concluding Remarks

It is evident from the above discussion that the collection of data is intrinsically problematic and controversial, whatever the methods and the standards used. Every effort has been made throughout the research to take these difficulties into account and the same goes for the dilemmas and shortcomings specific to this study. Hence, analysis is generally cautious and generalisations have been avoided, but the data have been exploited as much as possible. The thesis is therefore laced with references to the material gathered during the field research. The overall quality of this research data has been improved considerably by combining considerable quantitative and qualitative material,<sup>51</sup> because it allowed simultaneously for wide and deep perspectives. Hence, the basic research design for this study has been successful, given the limitations imposed by resources and accessibility.

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<sup>50</sup> It is probably impossible to make sense of observations entirely outside one's own cultural framework, thereby mediating observed facts; an issue which has been thoroughly debated elsewhere and is taken into account here. For a lucid debate on the issue, see for example S. Körner, 'On the Relation Between Commonsense, Science and Metaphysics' in Griffiths, P. (ed.) *A.J. Ayer: Memorial Essays*, Cambridge University Press, 1991.

<sup>51</sup> This is not the place to discuss the respective merits of quantitative and qualitative research and to challenge the traditional view that there is a non bridgeable gulf between the two approaches. Nonetheless, it must be emphasised that, as is the case here, the two approaches are increasingly used in conjunction, and the wisdom that they should not be linked has been widely challenged. This challenge is especially justified since "quantitative methodology" has often been treated as if it were simply synonymous to numerical data analysis and "qualitative methodology" to non-numerical research. In reality, the matter is much more complicated, but also less clear cut than this dichotomy assumes, because the notions of quantitative and qualitative have in the past *wrongly* been associated with those of objective and subjective respectively. The rejection of the simplistic dichotomy is confirmed and discussed in many competent works on research methodology, e.g. Bryman (ed.) *op.cit.*, 1988; Hammersley, *op.cit.*

## CHAPTER TWO:

### THE EU: LE THEATRE DE L'AMBIGU<sup>1</sup>

#### 2.1. Introduction

Chapter two provides a brief account of the pressures that led to the formation of the European Communities. It is important to be aware of the major pressures for formal European integration, since they set the parameters within which debate over the shape and objectives of the EC has taken place since. Within these parameters there have always been conflicting points of view and visions and, hence, the EC became complex, institutionally diffuse and rather 'cobbled together'. As such it had to be riddled with ambiguities.<sup>2</sup> It has developed significantly since the late 1950s

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<sup>1</sup> Calvet, a French journalist, eloquently referred to the TEU as "le théâtre de l'ambigu". {J. Calvet, 'Maastricht, le théâtre de l'ambigu', *Le Monde*, 9 avril 1992, p.2.} It is a suitable way of referring to the EU in general, since the expression immediately draws attention to the "...complex, halting and uneven progress of European integration..." that is "...susceptible to a number of interpretations." {R. Morgan, 'European Integration and National Interests', *Government and Opposition*, 29(1), 1994, p.128.}

<sup>2</sup> While there was basic agreement on the need for a mechanism that would promote economic growth and political stability, there was no agreement as to what exact shape such a mechanism should take. Views were very different, often cutting across established organisations such as political parties, trade unions, etc. The matter was exacerbated by the absence of an autonomous European ideology, since, to some, Europeanism was merely a vague notion of a common Europe. "Clearly an attachment to 'European' values is the monopoly of no School of Thought...Europe is...a symbol which seems useful to Conservatives, Liberals, Christian Democrats and Socialists, to lawyers, economists, geographers and political scientists..." {E.B. Haas, *The Uniting of Europe*, Stanford University Press, 1958, pp.20-8.} On the basis of this evidence, Europeanism can also be understood as a symbol for the interaction of established sets of ideas, e.g. Christian democracy, social democracy, liberalism, pluralism, etc.. Arguably Europeanism is still not an autonomous ideology, a point which is briefly developed in B. Boyce, 'Interest Representation in the European Community, European Integration and the Concept of Europeanism', *History of European Ideas*, 19(1-3), 1994, pp.153-9 (copy of publication is enclosed in a folder at the end of the thesis) and developed further in B. Boyce, 'What is Europeanism?', Paper presented at the IVth International Conference for the Study of European Ideas, Karl-Franzens-Universität, 22-27 August 1994. The validity of reading Europeanism in this particular way is supported elsewhere, e.g. in P. Schlesinger, 'Europeaness' - a New Cultural Battlefield?' in Pohoryles, R.J. et al. (eds.) *European Transformations: Five Decisive Years at the Turn of the Century*, Ashgate Publishing, 1994.



but its original design has continued to influence this development; a point expanded upon during this chapter. The chapter also contains a selective institutional inquest - an integral part of any policy analysis - covering the intricacies and controversies that are endemic to the formal structure of the EU.<sup>3</sup> The conclusion sets out to demonstrate that, despite many grey areas, the EU is not simply an "unidentifiable political object".<sup>4</sup> It is undoubtedly "a strange animal" which is difficult to analyse and "not easily understood", but even the preliminary deliberations in this chapter uncover some signposts and basic rules of the game.<sup>4</sup>

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<sup>3</sup> There is no scope to consider in detail the many grey areas of European politics, let alone the entire institutional set-up. Furthermore, a lengthy discussion is not necessary since it would simply lead to the same points being made over and over again and/or repeat work already successfully carried out elsewhere.

For more complete institutional analysis, see for example a range of general texts, such as N. Nugent, *The Government and Politics of the European Union*, Macmillan, 1994, 3rd edition; D. Dinan, *Ever Closer Union? An Introduction to the European Community*, Macmillan, 1994. There are also many useful texts on individual institutions, e.g. M. Westlake, *A Modern Guide to the European Parliament*, Pinter Publishers, 1994; S. Bulmer & W. Wessels, *The European Council: Decision-making in European Politics*, Macmillan, 1987. E. Kirchner, *Decision-making in the European Community: the Council Presidency and European Integration*, St. Martin's Press, 1992. P. Ludlow, 'The European Commission' in Keohane, R.O. & Hoffmann, S. (eds.), *The New European Community: Decision-making and Institutional Change*, Westview Press, 1991, Ch. 3; N.L. Brown & F.G. Jacobs, *The Court of Justice of the European Communities*, Sweet & Maxwell, 1989, 3rd edition. F. Snyder (ed.), *European Community Law*, Volumes I and II, Dartmouth Publishing, 1993.

<sup>4</sup> Jacques Delors used the expression "unidentifiable political objects", albeit apparently in a light hearted manner. {See Allum *op.cit.*, p.17.}

Tyszkiewicz talked about a "strange animal". {Z.J.A. Tyszkiewicz, '*Influencing the European Legislator*', Speech by the Secretary General of UNICE, 1990.}

A.M. Sbragia, 'Thinking about the European Future: The Uses of Comparison' in Sbragia *op.cit.*, p.257, conceded that it was extremely difficult to understand the nature of the EU.

Recently, Guggenbühl added to the game of words that aims to conjure up the mysterious nature of the EU: A. Guggenbühl, '*L'Union européenne, un drôle d'animal social*', European Institute of Public Administration, No.2, 1995, pp.13-4.

## 2.2. The Main Pressures for European Integration: Economic and Political Considerations

At the end of the second World War the time to unify Europe seemed ripe. Excessive nationalism was politically and morally discredited. In the final analysis, the close marriage between capitalism and nationalism had not led to long term economic health.<sup>5</sup> On the contrary, Europe was economically destroyed. The search for a forum that would facilitate economic growth and - so it was assumed - subsequent political stability, thus began. For example, Winston Churchill talked about providing the "European Family" with "...a structure under which it can dwell in peace, in safety and in freedom."<sup>6</sup> Robert Schuman was likewise convinced that "world peace cannot be safeguarded without the making of creative efforts proportionate to the dangers which threaten it."<sup>7</sup> After a number of abortive attempts, the European Communities finally emerged between 1951 and 1957.<sup>8</sup> In view of the major pressures for unification, their *primary* purpose was to create economic wealth and political stability, and *not* to supplant the nation state! For the

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<sup>5</sup> For valuable discussions on this relationship, see for example R. Dahrendorf, *Der Liberalismus und Europa*, R. Piper & Co. Verlag, 1979. J. Mayall, *Nationalism and International Society*, Cambridge University Press, 1990. J.R. Lobera, *The God of Modernity*, Berg Publishers, 1994, Ch. 3. P.M. Pilbeam (ed.), *Themes in Modern European History: 1780-1830*, Routledge, 1995.

<sup>6</sup> W.S. Churchill, 'Complete Speeches, 1897-1963, Vol. VII, 1943-1949': Speech at Zürich University, 19 September 1946', Reprinted in Nelsen & Stubb *op.cit.*, p.6.

<sup>7</sup> R. Schuman, 'Europe-A Fresh Start: the Schuman Declaration, 1950-90: Opening Speech to Introduce the Plan for the creation of the European Coal and Steel Community', Reprinted in Nelsen & Stubb *op.cit.*, p.11.

<sup>8</sup> Noticeably, the abortive efforts to create a United States of Europe that led, in 1948/9, to the Council of Europe and the failed attempt in 1954 to create a European Defence Community. For detailed examinations into these events, see for example E. Fursdon, *The European Defence Community: a History*, Macmillan, 1980; R. Mayne, *Federal Union: the Pioneers*, Macmillan, 1990; D. Weigall & P. Stirk (eds.), *The Origins and Development of the European Community*, Leicester University Press, 1992.

vast majority of Europeans, a reduction in national autonomy was merely a price that had to be paid, and not an end in itself. Yet, there are clear indications in the Treaties of the European Communities that it would be inevitable, or indeed desirable, to restructure the entire European system of nation states in order to achieve the primary objectives of European integration. In other words, it was thought that economic 'engineering' could not take place without political 'engineering' and that European integration had to be political as well as economic.<sup>9</sup> This crucial assumption has however repeatedly been challenged by proponents of a purely economic structure and, hence, deserves further attention.

Holland argued that the stark contrast between the relative success of brief economic co-operation in the nineteenth century, culminating in the creation of the Zollverein (1834), and the disastrous outcomes of the two world wars promoted the view that European unity in the economic area became *the* precondition for prosperity.<sup>10</sup> Nonetheless, early attempts to create European unity involved overt political ambitions, but, following the failures to establish fully blown defence and political unions in 1948/9 and 1954, efforts increasingly concentrated on economic integration, *at least in the first instance*. Yet, even though "European integration has been and continues to be largely about economics...", it is about "...economics which has wider political ramifications."<sup>11</sup> This assessment is symbolised in the preambles to the ECSC and the EEC Treaties. The point is particularly obvious in the preamble to the ECSC Treaty which reads as follows:

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<sup>9</sup> See notably, J. Monnet, 'A Ferment of Change', *Journal of Common Market Studies*, 1(2), 1962, pp.203-11, but also, e.g. Ionescou who regarded the Common Market merely as "...thin end of a thick political wedge." {G. Ionescou 'Introduction' in Ionescou, G. (ed.), *Between Sovereignty and Integration*, Croom Helm, 1974, p.15.}

<sup>10</sup> M. Holland, *Uncommon Market: Capital, Class and Power in the European Community*, Macmillan, 1980.

<sup>11</sup> L. Tsoukalis *op.cit*; p.2.

"Resolved to substitute for age-old rivalries the merging of their essential interests; to create, by establishing an economic community, the basis for a broader and deeper community among peoples long divided by bloody conflicts; and to lay the foundations for institutions which will give a direction to a destiny henceforward shared,..."<sup>12</sup>

Following the rejection of the 1954 proposals by the French National Assembly, references to political ambitions are veiled, but nonetheless present:

"Determined to lay the foundations of an ever closer union among the peoples of Europe, resolved to ensure the economic and social progress of their countries by common action to eliminate the barriers which divide Europe,...affirming as the essential objective of their efforts the constant improvement of the living and working conditions of their peoples,..."<sup>12</sup>

The preamble to the EEC Treaty also expresses the desire to create a Customs Union and underlines the wish to create wealth through economic integration for the peoples of Europe. Indeed, during the initial stages, the merging of economic resources led to a significant increase of intra-EEC trade and to rapid economic growth during the 1950s and 1960s which outstripped growth rates in other European countries and in most non-European countries<sup>13</sup> Hence, the logic of economic integration *seemed* wholly convincing, thereby legitimising the joint European venture.<sup>14</sup>

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<sup>12</sup> Preamble to the Treaty establishing the European Coal and Steel Community (1951) and Preamble to the Treaty establishing the European Economic Community (1957), in *Treaties Establishing the European Communities*, Publications of the European Communities, 1987, abridged edition.

<sup>13</sup> D.H. Aldcroft, *The European Economy: 1914-1980*, Croom Helm, 1978.

It is beyond doubt that the twentieth century has experienced growing economic interdependence.<sup>15</sup> However, in most instances such interdependence has not led to

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<sup>14</sup> Many studies argue that the growth in trade among EC members, resulting from growing economic interdependence, primarily accounts for the expansion of economic integration and the success of the early EEC in creating a Customs Union, establishing a place in the international forum and attracting interest from other European countries for membership, i.e. initially mainly from Britain. Increased intra-EEC trading was especially important for economic integration because it was the consequence of genuine trade creation and not simply trade diversion. For more detailed elaborations on this topic, see for example, P. Robson, *The Economics of International Integration*, Allen and Unwin, 1987, 3rd edition. D. Mayes, 'The Effects of Economic Integration on Trade' in Jacquemin, A. and Sapir, A. (eds.) *The European Internal Market*, Oxford University Press, 1989.

This legitimization of the economic validity of the EC must however be viewed with caution since it is impossible to determine what would have happened in terms of the member states' trade patterns and economic growth rates if they had operated outside the newly formed structures of the EC framework or if there had not been a common framework. Davenport also mentioned how difficult it was to make sense of longitudinal data on the economic performance of European countries, given that these economies had undergone vast changes during the post-war era; hence, figures must be carefully interpreted. {M. Davenport, 'The Economic Impact of the EEC' in Boltho, A. (ed.) *The European Economy: Growth and Crisis*, Oxford University Press, 1982, Ch. 8.} Moreover, the economies of the member states have not been protected from the vicissitudes of economic performance. Some accounts are therefore sceptical about the economic benefits of the EEC, particularly in respect of individual countries. On this point, see for example, N. Store, *The Cost of Europe: History Casts Doubts on the European Dream*, Manchester University Press, 1992.

Numerous significant setbacks have also bedevilled economic integration, e.g. the collapse of the Bretton Woods system and the all but nominal failure of the Exchange Rate Mechanism (ERM). Obviously, such problems have tended to fuel doubts about claims of great economic benefits, arising from economic integration. {For a confirmation of the ERM's shortcomings, especially following the introduction of +/-15% bands, see for example T. Sancton, 'After the D  b  cle', *TIME*, 142(6), 16 August 1993, pp.16-23; *The Economist*, 'Green Shoots and Brussels Sprouts', 332(7878), 27 August 1994, pp.21-2; T. Naudin, 'Bankers Confused over EMU Agenda', *The European*, 9-15 December 1994, p.17.} In view of the chequered past of European economic integration, it is not surprising that the controversy over the benefits and shortcomings of economic integration for member states and for the European Union as a whole has continued to date, now centring primarily on full Economic and Monetary Union (EMU), both with regard to its desirability and its feasibility. For pleas in favour of EMU, see for example: P. Salin, 'Monetary Union or International Monetary Order', *Economic Affairs*, 9(6), 1989, pp.13-6; C. De Boissieu, 'Communaut   europ  enne: les avantages de l'union   conomique et mon  taire', *Probl  mes Economiques*, no. 2214, 27 f  vrier 1994, pp.1-5; M. Emerson & C. Huhne, *The ECU Report*, Pan Books, 1991. Support for EMU continues, even in the "post-ERM-d  b  cle" era: *Federal Trust for Education and Research*, 'Towards the Single Currency', PSI Publishing, 1995. For the case against EMU, see for example, M. Spicer, *A Treaty Too Far: a New Policy for Europe*, Fourth Estate, 1992; I. Milne, *Maastricht: the Case Against Economic and Monetary Union*, Nelson & Pollard, 1993.

<sup>15</sup> See also Chapter three on this point.

greater interstate integration. Consequently, non-economic incentives have to interact with economic ones in order to lead to new interstate structures, particularly if they are comprehensive and consist of genuine integration and not merely formalised co-operation.<sup>16</sup> For these reasons, some observers have emphasised the strong political connotations of the EC and argued that there has always been an independent political agenda and that politics has not just come into European integration as an overspill of economics, but in its own right.<sup>17</sup> This claim is supported by Jean Monnet's *Memoirs*, but these also show that the two spheres have been indivisibly entwined, since economic logic and discourse has been used as the

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<sup>16</sup> A view supported, for example by B. Balassa, 'Introduction', *The Theory of Economic Integration*, Allen and Unwin, 1962; A. Bressand, 'The 1992 Breakthrough and the Global Economic Integration Agenda' in Story, J. (ed.) *The New Europe: Politics, Government and Economy since 1945*, Blackwell, 1993, Ch. 13.

<sup>17</sup> Resnick, Hinsley and Sbragia make good cases for this view, even prior to the adoption of the TEU. {P. Resnick, 'The Function of the Modern State: in Search of a Theory' in Kazancigil, A. (ed.) *The State in Global Perspective*, Gower Publishing, 1986, pp.155-82; F.H. Hinsley, 'The European Community: a Body-politic or an Association of States?' *The World Today*, January 1989, pp.1-3.; Sbragia *op.cit.*}

Since 1993, it has become almost impossible to argue that there are no political ramifications to European integration {See for example, H. Atkinson, '*Is Economic and Monetary Union in Europe Possible Without Political Union?*', Paper presented at the ESRC Conference on the Evolution of Rules, Exeter University, 8-11 September 1994; A. Busch, 'The Crisis in the EMS', *Government and Opposition*, 30(1), 1995, pp.80-96.} Yet, there remain some die-hards who maintain that the economic and political spheres can be separated, and hence advocate purely economic integration, that is if they advocate any form of integration at all. Not surprisingly, this view is mainly found among neo-liberals and/or monetarists. {See for example, R. Lewis, 'Bruges or Brussels?', *Economic Affairs*, 9(6), 1989, pp.6-8. Similarly, the founder of the Bruges Group, P. Robertson, 'The Road from Bruges', *Economic Affairs*, 9(6), 1989, pp.8-10. Certain well known contemporary politicians also play down the penetration of the political into economic matters. For example, Kenneth Clarke (1995), British Chancellor since 1993, recently claimed that it was possible to achieve EMU without treading on political ground. {*BBC 2 Television*, Newsnight, spring 1995.} More commonly, the interlinking of the economic and political realms is accepted, but sometimes reluctantly. {On this point, see for example Dahrendorf *op.cit.*; M. Howe, *Europe and the Constitution After Maastricht*, Nelson, & Pollard, 1992.}

However, usually, debate centres on the following question: Is political integration primarily a function of economic integration or do both forms of integration have independent, if intertwined, agendas? The evidence in this thesis and elsewhere suggests that the latter is a more convincing interpretation of European integration, although genuine political integration is (a) still largely directed by economic concerns and (b) greatly hampered by nationalistic politics.

main driving force to pursue political aims. In 1950 Jean Monnet informed Robert Schuman, the then French Foreign Minister, that "this proposal (ECSC) has an essential political objective: to make a breach in the ramparts of national sovereignty which will be narrow enough to secure consent, but deep enough to open the way towards the unity that is essential to peace."<sup>18</sup> Not all those who have been involved in European integration have held such political ambitions, and many may have disapproved of them. For example, Lady Thatcher argued that "the Treaty of Rome itself was intended as a Charter for Economic Liberty. But, that is not how it has always been read, still less applied."<sup>19</sup> Undeniably, political ambitions were built into the original Treaties and have arguably been reinforced in the Single European Act (SEA, 1987) and the TEU. The political undercurrents have also surfaced on the many occasions when senior European politicians have blatantly intervened in the design and development of the EU.

During the immediate post-war era, Christian Democrat politicians such as Konrad Adenauer (Germany), Robert Schuman (France), Alcide de Gasperi (Italy), Joseph Bech (Luxembourg) were "...untiring advocates of European integration..." and "...they were amongst the most important architects of European unity in the 1940s and 1950s."<sup>20</sup> These Christian Democrats rejected untamed economic liberalism and insisted that European integration should amount to more than the creation of a free

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<sup>18</sup> J. Monnet, *Memoirs*, Collins, 1978.

<sup>19</sup> M. Thatcher, Speech given at the opening ceremony of the 39th academic year of the College of Europe, Bruges, 20 September 1988, issued by the British Embassy Press Service in Brussels.

<sup>20</sup> R.E.M. Irving, *The Christian Democratic Parties of Western Europe* Allen & Unwin, 1979, p.234.

market zone.<sup>21</sup> Socialists too, reject purely economic integration. In fact, the prospect of a market dominated Europe has caused much suspicion towards integration, and the European Socialists have had a very chequered history with regard to this issue, especially during the early post-war years when Paul-Henri Spaak (Belgium) and Sicco Mansholt (The Netherlands) were the only prominent Socialists directly associated with initiatives towards integration.<sup>22</sup> Socialists have nonetheless always "actively participated in European debates..."<sup>23</sup> and have increasingly advanced the political agenda for European integration in that they have insisted that social, and increasingly, cultural and environmental issues figured on Europe's agenda.<sup>24</sup> Besides a commitment towards comprehensive integration, post-

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<sup>21</sup> The influence of individual politicians, and in particular Christian Democrats, has widely been acknowledged. The same goes for their reservations about freewheeling liberalism. See for example, *ibid* or A. Daltrop, *Political Realities: Politics and the European Community*, Longman, 1986, 2nd edition. H. Hürten, 'Der Beitrag Christlicher Demokraten zum geistigen und politischen Wiederaufbau und zur europäischen Integration nach 1945: Bundesrepublik Deutschland', pp.213-24. J-M. Mayeur, 'Einige Betrachtungen über die Rolle der Christlichen Demokratie in Frankreich beim Aufbau der Demokratie und Europas nach 1945', pp.225-34. G. Vecchio, 'Der Beitrag der Christlichen Demokraten zum politischen Wiederaufbau Italiens', pp.235-68. All three accounts are published in Becker, W. & Morsey, R. (Hg.). *Christliche Demokratie in Europa*, Böhlau Verlag, 1988. A recent paper, discussing the contribution of the Church to European integration, made a similar point: M. Watson, 'The Churches and the 'New Europe'', Paper presented at the IVth International Conference for the Study of European Ideas, Karl-Franzens-Universität, 22-27 August 1994.

<sup>22</sup> A point confirmed in K. Featherstone, *Socialist Parties and European Integration*, Manchester University Press, 1988. Featherstone's work is in fact one of the most comprehensive accounts of Socialist parties' attitudes and policies towards European integration, particularly as far as the first few decades of integration are concerned. Note should be taken of Featherstone's findings that the domestic context has been a powerful mediator in party attitudes and, also, that Socialist parties must not be treated as homogenous entities with regard to their attitudes towards European integration. This argument corresponds broadly with Bulmer's insistence that the nature of the EU could only be understood, if domestic politics was taken into account. This point is discussed in Chapter three. {S. Bulmer, 'Domestic Politics and European Community Policy-making', *Journal of Common Market Studies*, 21(4), 1983, pp.349-63.}

<sup>23</sup> S. Mansholt in Featherstone *op.cit.*, vii. For recent statements on European integration by leading socialist and social democratic politicians, see for example, P. Dankert & A. Kooyman *op.cit*; R. Ladrech, 'Social Democratic Parties and EC Integration: Transnational Party Responses to Europe 1992', *European Journal of Political Research*, 24(2), August 1993, pp.195-210.

<sup>24</sup> See for example *ibid.*, as well as, F. Prosche, *Vers une Europe post-industrielle?*, Economica, 1993.



war politicians were driven by domestic political agendas. In each case, there were good reasons to favour European integration. For example, integration was an ideal recipe for preventing renewed excesses in Franco-German rivalry on the European mainland.<sup>25</sup> Moreover, it gave both countries an opportunity to rehabilitate themselves and assume increasingly joint - though not unchallenged - leadership.<sup>26</sup>

The BENELUX countries and Italy perceived European integration as the only realistic means of exerting some influence on European reconstruction. In the case of Italy, membership also offered an opportunity to bury the fascist past and to alleviate internal political instability and the threat of a Communist Italy.<sup>27</sup> These

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<sup>25</sup> There are several lucid accounts that examine the post-war relationship between Germany and France, notably, H. Müller-Roschach, *Die deutsche Europapolitik: 1949-1977*, Europa-Union GmbH Verlag, 1980; H. Simonian, *The Privileged Partnership: Franco-German Relations and the European Community: 1969-1984*, Clarendon Press, 1985; P. Maillard, *De Gaulle et l'Allemagne: le rêve inachevé*, Plon, 1990.

<sup>26</sup> Franco-German, or increasingly sole German dominance has been a recurring theme in recent years. See for example, A. Dauvergne, 'A Rendez-vous with Destiny', *The European*, 21-27 April 1995, p.9. There is some validity in Dauvergne's argument that, increasingly, Germany is dominating over France too, but the argument is carried too far, ignoring the limits to Germany's manoeuvrability. There are some more balanced accounts, e.g. R. Fritsch-Bournatzel, *Europa und die deutsche Einheit*, Verlag Bonn Aktuell, 1990; B. Lippert & R. Stevens-Ströhm, *German Unification and EC Integration*, Pinter Publishers, 1993. K. Goldmann, *The Logic of Internationalism*, Routledge, 1994. There are also some relatively balanced views to be found in certain newspapers and magazines, particularly in the light of the closing Mitterrand era in France; for example: A recent account in *Der Spiegel* discussed certain strains in the Franco-German relationship and contemplated possible de-stabilising effects, if this relationship was to suffer in the long-term, for example as a result of a turn around in French European policy in the post-Mitterrand era. {*Der Spiegel*, 'Die EG lebt gefährlich', Nr.35, 30. August 1993, S.134-6.} A recent article in *The European* expressed similar concerns: V. Smart & I. Mather, 'Cracks Grow in Franco German Axis', *The European*, 21-27 October 1994, p.1. The impact of Jacques Delors' departure from European and national politics on the Franco-German alliance has also been of concern, particularly to the French who fear greater German dominance but, to some extent also to the Germans, especially with the arrival of a non-Socialist French president. It is however as yet too early to consider the full implications arising from the departure and arrival of key political figures. {For a brief account of these concerns, see for example, A. Gumbel, 'Delors's 'no' derails French Socialists', *The Guardian*, 12 December 1994, p.9.}

<sup>27</sup> See for example, Vecchio *op.cit.*; Nugent *op.cit.*

dynamics should not be underestimated but, in addition, the crucial *political* influence of the USA on post-war West European development must be stressed.<sup>28</sup>

The USA wished to embed Germany firmly in a co-operating and stable Western Europe, particularly following the division of Germany in 1949, the outbreak of the Korean war in 1950 and the escalation of the Cold War throughout the 1950s and beyond. Thus, Marshall Plan aid and political meddling in European reconstruction came as a package deal; a point well put by Van der Beugel: "From the moment of launching the Marshall Plan, it became apparent that European integration was a major objective of American foreign policy."<sup>29</sup> Therefore, it must be concluded that European integration has always been guided by a combination of economic and political considerations, even though the association with economic well being has remained the driving force and main legitimation for integration.

### 2.3. Marginal Pressures for European Integration: Historical, Cultural and Geographical Considerations

Some supporters of a united Europe have argued that integration should come quite naturally as a consequence of common historical, and to a lesser extent, cultural experiences. For example, Hallstein was convinced that "...[united] Europe is no creation. It is a rediscovery."<sup>30</sup> This view is still held by a minority of today's

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<sup>28</sup> The crucial importance of US policy towards Europe and the arrival of the Cold War for European integration is repeatedly made; see for example: J. Boesch, *Weltgeschichte: von der Aufklärung bis zur Gegenwart*, Eugen Rentsch Verlag, 1977, Kpt. 43; F. Duchêne, 'Less or More Europe? European Integration in Retrospect' in Crouch, C. & Marquand, D. (eds.) *The Politics of 1992: Beyond the Single European Market*, Blackwell, 1990, Ch. 2; R.O. Keohane & J.S. Nye, 'Introduction: the End of the Cold War in Europe' in Keohane, R.O., Nye, J.S. & Hoffmann, S. (eds.) *After the Cold War: International Institutions and State Strategies in Europe, 1989-1991*, Harvard University Press, 1993, pp.1-22.

<sup>29</sup> E.H. Van der Beugel, *From Marshall Aid to Atlantic Partnership: European Integration as a Concern of American Foreign Policy*, Elsevier, 1966, p. 215.

commentators on European integration.<sup>31</sup> There are certainly some shared traditions, especially prior to the Renaissance and Reformation periods, based mainly on what Haas termed "...a unique amalgam of Greek-humanist, Roman-legal and Christian-spiritual values".<sup>32</sup> Moreover, in its embryonic form, the idea of a united Europe pre-dates the current century and can be traced back to the Middle Ages.<sup>33</sup>

The extent of a common heritage is however frequently exaggerated: "A thousand years ago, Europe did not exist. A decade before the Millennium, the roughly thirty million people who lived at the western end of the Eurasian land mass had no compelling reason to think of themselves as a single set of people, connected by history and common fate. Nor did they."<sup>34</sup> Tilly was referring to post-Greek and post-Roman "Europe"! Other scholars have also come to the conclusion that early developments in the geographical region that is now loosely termed "Europe" have not created as much unity as is sometimes assumed. For example, de Sainte Lorette confirmed that "L'histoire même n'a pas rapproché les habitants de l'Europe autant

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<sup>30</sup> W. Hallstein, 1972, as quoted in Nugent *op.cit.*, pp.12-3. Walter Hallstein was the first President of the Commission of the European Communities.

<sup>31</sup> For example, W. Van Grit, 'Early Milestones in European Unification, Paper presented at the IVth International Conference for the Study of European Ideas, Karl-Franzens-Universität, 22-27 August 1994; M. Dogan, 'The Decline of Nationalism within Western Europe', *Comparative Politics*, 26(3), 1994, pp.281-306.

<sup>32</sup> Haas *op.cit.*, p.20.

<sup>33</sup> The earliest example usually cited is Pierre Dubois in the 13th Century, Duke of Sully, a French Minister under Henri IV. The 17th Century British quaker, William Penn, talked about "a European Dyet, parleament of ententes". In the 18th Century, Immanuel Kant wrote Vom Ewigen Frieden (Perpetual Peace) and in the 19th Century Victor Hugo stood out with his passionate vision of a peaceful, united Europe. {I. Kant, *Perpetual Peace*, Westwood Village, 1932.} These are just a few examples of early notions of a united Europe. The peace theme is usually central. However, none of these works amount to a political blueprint for a united Europe. For valuable discussions on this topic, see for example L. de Sainte Lorette, *L'idée d'union fédérale européenne*, Collection Armand Colin, 1955. C. Schöndube, *Europa: Taschenbuch*, Europa Union Verlag, 1970 . Goldmann *op.cit.*, pp.1-17.

<sup>34</sup> C. Tilly, *Coercion, Capital and European States: AD 990-1992*, Blackwell, 1992, revised edition, p.38.

qu'on l'imagine parfois, malgré un fonds commun."<sup>35</sup> The argument of unity based on Christian faith became farcical after the reformation, given the "murderous squabbles and massacres" that followed the major division of the Christian Church.<sup>36</sup> The onset of modernity and the evolution of the nation state halted any previously existing cultural cohesion and feeling of an historically evolved unity, leading to an era of increased fragmentation and rivalry. The extent to which this development has led to spiritual, cultural and political diversity has been widely documented.<sup>37</sup>

"The tradition of Europe thus means differentiation, individualism, and spiritual and intellectual diversity."<sup>38</sup> Notwithstanding this heritage, after two world wars, efforts were made to rekindle a sense of common European destiny, based on a distant, and apparently harmonious, past. The fragmentation and its repercussions were usually downplayed, arguing that nationalism was a recent phenomenon that had not entirely displaced earlier oneness. These arguments are suspect. Moreover, if artificially nurtured, they are bound to backfire sooner or later. For example, Schlesinger warned that a renewed emphasis on Christian-spiritual values was hardly going to allay multi-ethnic conflict in European member states or force Europe to come to terms with the Jewish Holocaust.<sup>39</sup> Dwelling in the past thus lacks credibility *and*

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<sup>35</sup> "History has not brought the Europeans as closely together as is often assumed, despite some common ground." de Sainte Lorette *op.cit.*, p.5.

<sup>36</sup> Patrice Chéreau, Director of many films, including *La Reine Margot*, used these expressions to describe religious conflict between Catholics and Protestants in a recent interview with the *Neue Zürcher Zeitung*, 'Europa - ein Gemetzel', 18/19. September 1994, S.31.

<sup>37</sup> See for example the following classical accounts of nationalism: E. Gellner, *Nations and Nationalism*, Blackwell, 1983. E.J. Hobsbawm, *Nations and Nationalism since 1780*, Cambridge University Press, 1992, 2nd edition.

<sup>38</sup> B. Landheer, *Limits and Problems of European Integration*, Martinus Nijhoff, 1963, p.3.

<sup>39</sup> Schlesinger *op.cit.*

pragmatic value. There is little evidence that contemporary interpretations of European identity are more promising, especially since it is increasingly unclear as to what constitutes 'Europe', and hence European culture. It is disturbing that some recent attempts to define Europeanity have been based on negative denominators, namely the tendency to regard Europe as a fortress whose aim it is to defend economic health and keep out undesirable immigrants.<sup>40</sup> O'Kane's finding that civil war has historically been a greater incentive for unification than external enemies casts additional doubt on such moribund endeavours, since, thankfully, this ploy may not work as well as is sometimes assumed.<sup>41</sup>

The problems for those who push the idea of natural European unity do not stop here. While it is undeniable that geographical and climatic factors have influenced

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<sup>40</sup> There is indeed a fairly marked trend to define "European commonness" in a negative way. For conceptually based accounts supporting this view, see for example, P. Schlesinger, *Media, State and Nation: Political Violence and Collective Identities*, Sage, 1991; P. Schlesinger, 'Media, the Political Order and National Identity', *Media, Culture and Society*, 13(3), 1991, pp.297-308. For empirical evidence of this assertion, see for example *BBC Television 2*, 'Europe on the Brink', special programme on European identity, spring 1993; C. Alder, 'Wozu Europa, wenn der Gegner fehlt?' *Neue Zürcher Zeitung*, 19. Januar 1994, S.9; J. Carvel & M. White, 'EU Moves to Tighten Frontiers', *The Guardian*, 14 February 1995, p.1.

The dire consequences that could follow from such negative interpretations have been contemplated by a number of observers, many of whom are already well known critics of the tradition of European imperialism. See for example, J. Derrida, 'White Mythology: Metaphor in the Text of Philosophy', *New Literary History*, 6(1), 1974, pp.5-74; M. Serres, *Tiers-Instruit*, François Bourin, 1991; E. Said, *Culture and Imperialism*, Knopf, 1993. Although some of these accounts are excessively pessimistic, they nonetheless constitute an important warning sign against socially engineered European commonness that is based on an exaggerated division between the 'self' and the 'other', with associated notions of superiority in relation to the 'self'. All these accounts prove that the issue of negative commonness deserves to be given some thought: even though it is not a main topic of this thesis it is a crucial factor in the development of the EU and its stability, particularly in view of continuous enlargement eastwards and, possibly, southwards (Malta, Cyprus).

<sup>41</sup> O'Kane's theory is not beyond doubt and challenges conventional wisdom on nation state building, as for example, espoused by T. Skocpol, *States and Social Revolutions: a Comparative Analysis of France, Russia and China*, Cambridge University Press, 1979. However, R. O'Kane produces some convincing material in her article on 'The National Causes of State Construction in France, Russia and China', *Political Studies*, 43(1), 1995, pp.2-21.

political constellations,<sup>42</sup> history has nonetheless cast doubts on the belief that geographical proximity has produced natural feelings of closeness among Europeans which have helped to facilitate integration. For example, there appears to be little natural affinity between the Walloons and the Flemish or even between many Northern and Southern Italians.

Given the challenges mounted against the notion of natural unity, the idea has become marginalised, even by ardent Europeanists such as Jacques Delors: "Our Community is the fruit not only of history and necessity but also of political will."<sup>43</sup> Yet, emotional appeals to natural closeness and the importance of a common European identity remain part of the European idealists' box of magic tools. To a lesser extent, they also permeate the broader debate on European unity, particularly since the calls for a cultural, as well as politico-economic Europe, are steadily growing.<sup>44</sup>

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<sup>42</sup> This view is widely supported elsewhere; see for example, G. Parker, *The Logic of Unity: a Geography of the European Economic Community*, Longman, 1981, 3rd edition; R.D. Sack, 'Territorial Bases of Power', in Burnett, A.D. & Taylor, P.J. (eds.) *Political Studies from Spatial Perspectives: Anglo-American Essays on Political Geography*, Wiley, 1981, Ch. 3 (dealing with this point in more general terms); K.J. Holsti, *International Politics: a Framework for Analysis*, Prentice Hall, 1992, 6th edition; Schlesinger *op.cit.*, 1994.

<sup>43</sup> J. Delors, Speech at Bruges, 1989, quoted in the title page of 'The Commission of the European Communities', *European Union*, Commission of the European Communities Publications, 1989.

<sup>44</sup> See for example, Prosche *op.cit.*, p.216, quoting Jean Monnet, shortly before Monnet's death: "Si c'était à refaire, je commencerais par la culture." {If Europe had to be remade, I would start by way of cultural integration.} E. Meehan, *Citizenship and the European Community*, Sage, 1993. The possible need for a common culture in response to global developments in the post-Communist world is also widely reported in journalistic literature, e.g. J. Gray, 'The Great Atlantic Drift', *The Guardian*, 12 December 1994, p.18.

#### 2.4. The Birth of the European Community

The multiplicity of pressures that led to European integration, the absence of a precedent and the variety of preferences explain the lack of concord among the European elites about the ways in which European integration should come about and develop. Ironically, the extensive debate eventually permitted a small group of key personnel, headed by Jean Monnet, to design, quietly and away from the limelight of publicity, the Treaties of Paris and Rome.<sup>45</sup> Although Europe's key politicians significantly altered Monnet's drafts, the civil servant's input had a crucial effect on the shaping of European integration. Despite his own federalist convictions,<sup>46</sup> Monnet initiated an incrementalist approach to unity which is eternalised in the preamble to the ECSC Treaty and by the cryptic reference to an "ever closer union" in the preamble of the EEC Treaty.

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<sup>45</sup> This point is frequently reiterated, particularly when explaining the "bureaucratic" nature of the EU. See for example, D. Pourquery, 'Jean Monnet', *Science et Vie Economie*, no.78, décembre 1991, pp.52-5, or, K. Featherstone, 'Jean Monnet and the Democratic Deficit in the EU', *Journal of Common Market Studies*, 32(2), 1994, pp.149-70. For an extensive discussion on the actual extent of bureaucracy in the EU, see also Chapter four.

<sup>46</sup> Monnet's federalist inclinations were revealed by his comment that "there will be no peace in Europe if States are reconstituted on a basis of national sovereignty with all that implies in terms of prestige politics and economic protectionism...Prosperity and vital social progress will remain elusive until the nations of Europe form a federation or a "European entity...". P. Fontaine, *Jean Monnet, a Grand Design for Europe*, Official Publications of the European Communities, 1988, pp.20-1.

Monnet's quasi-functionalist<sup>47</sup> design has had a long term impact on the European Communities in that the Commission has had an extraordinarily high profile, given its lack of political accountability. Moreover, contact with functional interests has been nurtured by the Commission and some of these interests have consequently enjoyed easy, and semi-permanent access to most European institutions. The co-operation between certain functional interests and the Commission has led to a curious form of semi-institutionalised pluralism which is typified, on the one hand, by the existence of the Economic and Social Committee (ECOSOC or ESC) and now the Committee of Regions and, on the other hand, in the numerous consultation procedures, involving sectional interests. Other aspects of Monnet's quasi-functionalist legacy are also still salient; namely, the elitist and top down nature of many aspects of European public administration; for example the belief that a common European culture can be engineered through appropriate projects, initiated by an efficient and enlightened team of bureaucrats.<sup>48</sup> In line with functionalist

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<sup>47</sup> Theoretical accounts on functionalism are for example, L. Woolf, *International Government*, Allen & Unwin, 1916, 2nd edition; D. Mitrany, *The Functional Theory of Politics*, Martin Robertson, 1975 edition. It remains unclear as to whether Monnet was aware of these theoretical works. However, there are certainly functional elements in his original design of the EEC, namely the emphasis on functional interests and the strong position attributed to a non-elected administrative, rather than political body, that is. the Commission. As Featherstone *op.cit.*, 1994, pointed out, the latter also fits in with Monnet's background as a French administrator who believed in planning and managing in a rational manner, rather than in political decision-making. It follows that political legitimacy or accountability were not primary concerns for the civil servant. As it were, the Commission has not turned out to be an apolitical body, particularly with regard to its higher echelons, but that happened despite Monnet's efforts, not as a result of them. Regretfully, it however still lacks accountability and political legitimacy.

<sup>48</sup> Some of the provisions in the TEU insinuate for example a strong belief in the manipulative powers of the Community on the development of common cultural understanding and development. See for example, Title II, Title VIII on Social Policy, Education, Vocational Training and Youth, Articles 118a(2), 123, 125, 126, 127, or Title II, Title IX on Culture, Article 128 in the TEU (1992) *op.cit.* More precisely, the changes to the ERASMUS Educational programme under the new and broader SOCRATES umbrella evidently contain elements of top down bureaucratic manipulation of cultural issues.



thought, European integration has also progressed in a gradualist manner. Contrary to functionalist ambitions, political conflict has however thrived in the EU, both because of the institutional amendments to the original draft treaties and because of the intrinsically political nature of conflict management between nation states.

According to George the insistence on a Council of Ministers distorted Monnet's endeavours further in that they prevented genuine supranationalism and partially tamed the bureaucratic interventionism that is intrinsic in functionalist theory and that is often referred to as "dirigisme".<sup>49</sup> However, George highlighted that dirigisme has nonetheless bedevilled European integration. The redesign of Monnet's original proposals also created institutional complexity, particularly with regard to the decision-making process. Over the years, this complexity has been deepened further, notably, but not exclusively, by the increasingly relevant role of the European Parliament as a contributor in decision-making.

Cope argued that the resulting institutional interdependency has forced individual policy actors to bargain and seek accommodation and compromise and that,

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The widespread hesitations about SOCRATES and its ambitious aims and early problems with implementation indicate the limitations to this top down cultural approach. (At the time of writing, the programme has not even been accepted finally by the Council of Ministers but is due to come into action within a year or two in some form or another; hence, Universities and other Higher Education Institutions across the EU are already preparing for the programme.

For a brief outline of the legislative draft, see for example: CEC, 'Background Report on New Community Action Programmes for Education and Training', ISEC/B12/94.) Interview data for this thesis exposes these limitations even more clearly; i.e. it shows the problems of genuine communication associated with such an approach. (See for example also Chapter seven on the effects of SEA policy on industrialists and the problems in establishing effective communication. This point is also discussed more extensively in Boyce *op.cit.* *International Human Resources Management*, 1993. At a recent conference, Ms Symes made a similar point. {S. Symes, 'Introductory Talk', Conference on the European Parliamentary Elections, held at the EP's London Headquarters, June 1994.} On the other hand, Dogan *op.cit.* completely missed this problem in a recent article, covering related issues.

<sup>49</sup> S.A. George, *Politics and Policy in the European Community*, Oxford University Press, 1991, 2nd edition.

consequently, European policy-making was imbued with a general spirit of conciliation.<sup>50</sup> This claim will be further examined in subsequent chapters. However, it must be reiterated that opinions about the development of European integration have always differed and that compromises have frequently been preceded by considerable political bickering. Moreover, the outcome of negotiations has not always been satisfactory, nor clear. Over the years, some controversies have been cleared up and certain ambiguities have been clarified, but many are still there and new ones are constantly developing which is not surprising, given the complexities of the policy process. Analysis is thus equally complicated which is illustrated by way of some topical examples in the next two sections of the chapter.

## 2.5. Grey Areas of European Politics: Some Illustrations

### 2.5.1. Sovereignty

Where in the EU is sovereignty<sup>51</sup> located? Apparently it is divided between the European level and the member states: "member states no longer have supremacy

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<sup>50</sup> N. Cope, Diet of Brussels, *Business*, August 1989, pp.66-71.

<sup>51</sup> This short discussion concentrates on the constitutional, or *de jure*, location of sovereignty only and does not take into account now widely held views that governments, at whatever level, have been losing *de facto* sovereignty to other areas of operation, e.g. international money markets. For arguments of this kind, see for example Maull, who stressed the "...growing perforation of national boundaries..." {H.W. Maull, 'Europe and the Changing Global Agenda' in Story, J. (ed.) *op.cit.*, 1993, Ch. 5, p.144.} and emphasised, like many other scholars, the growing interdependence of many policy areas. This point is pursued a little further later in this chapter and in Chapter three.

Sovereignty is a particularly illusive and disputed concept and this is not the place to engage in the ongoing discussions. {For three excellent monographs on the subject, see L.L. Blake, *Sovereignty*, Shephard-Walwyn, 1982; F.H. Hinsley, *Sovereignty*, Cambridge University Press, 1986, 2nd edition; A. James, *Sovereign Statehood*, Allen & Unwin, 1986.} It is nonetheless relevant to notice here that, in the first instance, "...sovereignty is the *legal* formula which grants a state a formal equality with all of the people living together in a territory with their own internal organization and laws." {J. Story, 'Europe in the Global State and Market System' in Story, J. (ed.) *op.cit.*, Ch. 1, p.5.; emphasis by the author of the thesis.} Hence, any investigation must initially concentrate on the *de jure* location of sovereignty.

over all other authorities within their traditional territory, nor are they independent of outside authorities..."<sup>52</sup> This widely accepted assessment is not incorrect, but fails to tell the whole story. Where applicable, EU law is now supreme, but the EEC Treaty contains no guidelines for dealing with cases where national and EU law clash. Hence, the supremacy of EU law was not explicitly spelt out in this Treaty.<sup>53</sup> The explicit curtailment of national sovereignty and the confirmation of the supremacy of EU law was finally left to the European Court of Justice: "...The Community constitutes a new legal order in international law, for whose benefits the States have limited their sovereign rights, albeit within limited fields."<sup>54</sup> In line with this precedent, the ECJ has gradually developed its own jurisprudence on the supremacy of EC law, usually interpreting ambiguities in favour of the latter.<sup>55</sup>

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However, as Scruton (1982) notes, there is also a *de facto* aspect to sovereignty and the two aspects may not necessarily overlap entirely. Geddes (1993) makes a similar point and distinguishes between formal and informal sovereignty. This distinction is important with regard to the EU and is thus addressed in the thesis. In his simple book on EU and UK relations, Geddes refers to those who maintain that too much concern at the loss of formal sovereignty is usually displayed, particularly in the case of the UK's relationship with the EU, at the expense of a constructive debate on the loss of informal sovereignty in an interdependent world. There can be a disequilibrium, but the mere fact that the formal location of sovereignty continues to be a topic of great saliency is a justification for studying it. Moreover, discussions in Chapter three reveal that formal rules still matter in the constellation of and interaction between political systems. Hence, it would be utterly inappropriate to neglect the *de jure* location of sovereignty, particularly in a case where it is extremely difficult to locate it in the first instance. Finally, the meddling of the two aspects of sovereignty confuses the issue more rather than less, thereby certainly not alleviating apprehension and bewilderment among many EU citizens. Franklin and Wilke's (1990) brief discussion on sovereignty and the British attitude towards the concept is an example of such an unhelpful approach. {R. Scruton, *A Dictionary of Political Thought*, Macmillan, 1982, pp.440-1; M. Franklin & M. Wilke, *Britain's Future in Europe*, Pinter Publishers, 1990, pp.9-11; A. Geddes, *Britain in the European Community*, Baseline Books, 1993.}

<sup>52</sup> R.O Keohane & S. Hoffmann, 'Institutional Change in Europe in the 1980s' in Keohane & Hoffmann *op.cit.*, Ch. 1, p.13.

<sup>53</sup> For a more detailed discussion on the topic, see for example, D. Coombes, 'Concertation' in the Nation-state and the European Community' in Ionescou *op.cit.* pp.86-99. T.C. Hartley, *The Foundations of European Community Law*, Clarendon Press, 1988, 2nd edition. P. Kent, *European Community Law*, Pitman Publishing, 1992.

<sup>54</sup> This is an extract from the ECJ's decision on Van Gend en Loos (Case 26/62).

Hence, the former French Prime Minister Debré's accusation that the European venture amounted to "integration by judicial fiat"<sup>56</sup> and that the ECJ suffered from "morbid megalomania".<sup>57</sup> Accusations against the predatory nature of the ECJ have also been made elsewhere; for example by some of the people interviewed for the thesis.<sup>58</sup> Most discussions on the role of the ECJ for European integration have been more measured, but it is widely acknowledged that the ECJ interpreted the Treaty text generally in favour of greater integration, thereby probably deliberately underplaying the ambiguities of the original, Treaty-based, *de jure* situation with regard to sovereignty.<sup>59</sup> It follows that, in reality, sovereignty may have "leaked" or "seeped" away, helped by the ECJ's interpretations, rather than have deliberately been "pooled" by key politicians at the inauguration of the Treaties of Paris and Rome.<sup>60</sup>

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<sup>55</sup> Kent *op.cit.* See also, A. Bzdera, 'The Court of Justice of the European Community and the Politics of Institutional Reform', *West European Politics*, 15(3), 1992, pp.122-36, or, J.H.H. Weiler, 'Journey to an Unknown Destination: a Retrospective and Prospective of the European Court of Justice in the Arena of Political Integration', *Journal of Common Market Studies*, 31(4), 1993, pp.417-46.

<sup>56</sup> Debré, as quoted in M.L. Volcansex, 'The European Court of Justice: Supranational Policy-making', *West European Politics*, 15(3), 1992, p.117.

<sup>57</sup> Debré as quoted in G.F. Mancini, *The Making of a Constitution for Europe* in Keohane & Hoffmann *op.cit.*, 1991, Ch. 6, p.177.

<sup>58</sup> A small number of interviewees expressed concern over the powers of the ECJ; these included MEPs, politicians, lobbyists and industrialists. Both Euro-sceptics as well as pro-integrationists had reservations about the ECJ; MEPs as well as lobbyists, industrialists and The former were predominantly concerned with the supranational tendencies of the ECJ; the latter with the comparatively powerful position of an institution with non-elected members vis-à-vis the limited powers of the EP. Concern over the powers of the ECJ has also been reported in newspapers, e.g. P. Taylor, 'Guardians of the Law or a Court without Appeal?', *The European*, 21-27 July 1995, p.9.

<sup>59</sup> See for example all references in footnotes 53 and 55, as well as A-M. Burley & W. Mattli, 'Europe Before Court: a Political Theory of Legal Integration', *International Organization*, 47(1), 1993, pp.41-76; A-M. Slaughter Burley, 'New Directions in Legal Research on the EC', *Journal of Common Market Studies*, 31(3), 1993, pp.391-406; K. Van Kersbergen & B. Verbeek, 'The Politics of Subsidiarity in the European Union', *Journal of Common Market Studies*, 32(2), 1994, pp.215-36; C.H. Church & D. Phinnemore, *European Union and European Community: A Handbook and Commentary on the Post-Maastricht Treaties*, Harvester Wheatsheaf, 1994.

Sovereignty remains a complicated issue, even if the constitutionality of the supremacy of EC law is not questioned. For example, by way of the national veto, member states can still block the extension of the *acquis communautaire* and therefore prevent further erosion of sovereignty.<sup>61</sup> This provision symbolises the

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<sup>60</sup> According to an article in *The Independent*, the term "seeped" has been used by well known anti-Europeans in the Westminster Parliament, noticeably by Enoch Powell and Tony Benn but also by Jacques Delors. The term "leaked" has repeatedly been used by one of the Netherlands foremost political historians and expert on European history: {*The Independent*, 'A Seepage of Sovereignty', 8 June 1988, p.16; B. Tromp, 'The State of the State: Some Speculations', Paper presented at the IIIrd Conference of the International Society for the Study of European Ideas, Aalborg University, 24-29 August 1992; B. Tromp, 'European Unity in Historical Perspective', Paper presented at the IVth International Conference for the Society of European Ideas, Karl-Franzens Universität, 22-27 August 1994. The notion that the EC members have pooled sovereignty is widespread. Politically this is correct but legally, the situation is less certain. For views that endorse the "pooling" idea, see for example, Franklin & Wilke *op.cit.*; S. Williams, 'Sovereignty and Accountability in the European Community' in Keohane & Hoffmann *op.cit.*, 1991, Ch. 5, p.156. Perhaps those referring to the term 'pooling' did not deliberately create this distinction but, in the legal context, the choice of words can quickly alter the meaning of a message!

<sup>61</sup> These provisions date back to the famous *Accords de Luxembourg* of 1966 which profoundly affected decision-making procedures in the Council, even though these Accords had no constitutional status and were the result of France's dispute with the rest of the EC member states between 1965-1966, principally brought about and manipulated by the then French president, Charles de Gaulle. Point II of the official communiqué which reads that "With regard to the preceding paragraph, the French delegation considers that where very important interests are at stake the discussion must be continued until unanimous agreement is reached." Gradually, this phrase was interpreted as a right to national veto, if crucial national interests were at stake. The member states themselves can determine when this is the case! However, as Nugent *op.cit.* noticed, the veto has not been used on a regular basis, instead members have preferred not to make decisions at all, if they could not agree on an issue (sign a the basic commitment among European politicians and officials to engage in policy-making that arrives at some kind of consensus/compromise). This development was particularly marked in the 1970s and facilitated "Eurosclerosis" and was, undoubtedly reinforced by the fact that threatening to use the national veto is often as effective as actually using it, at least on a temporary basis. {See for example France, during the negotiations to find agreement during the GATT Uruguay Round: L. Elliott & J. Wolf, 'French Find Allies Against GATT Deal', *The Guardian*, 27 November 1992, p.14; J. Nundy & T. Jackson, 'France Whips up Hostility to GATT', *The Independent*, 19 November 1992, p.1; J. Nundy & A. Marshall, 'France Gains Allies Against GATT Deal', *The Independent*, 19 November 1992, p.1; *Le Quotidien de Paris*, 'Agriculture: l'Europe Victime du GATT...et de la Commission', 19 mars 1992, p.11.}

Hence, the introduction of more qualified majority voting with the SEA and the TEU. However, it must be stressed that the introduction of qualified majority voting has neither fully eliminated the notion of "national veto" nor the desire to produce consensual decision-making, by way of seeking unanimous agreement. However, the constitutional commitment to qualified majority voting means that, in the areas where it applies, decision-making cannot be postponed for ever. This situation does alter the balance in favour of more decisions being made, but it does not essentially supersede the "national veto" option.

unusual relationship between the central and sub-central levels in the EU. Politically it is, however, not feasible to make frequent use of the veto or even to threaten to invoke it on a regular basis. Yet, the mere tradition of national vetoing and unanimity voting can significantly hinder integration.<sup>61</sup>

The existence of Article 240 of the EEC Treaty complicates matters further. This article can be interpreted as a legal means for secession from the EC by any member state, or, depending on national arrangements, by part of a member state. (Greenland's secession from the EU in 1984 is the classical example.) Such a move would mean that a departing member state regains its entire legal sovereignty by liberating itself from the supremacy of EC law. This option indicates that, in constitutional terms, sovereignty has been transferred only temporarily - if indefinitely - and, hence, national sovereignty retains a significant role in the discourse on EU integration.<sup>62</sup> This notwithstanding, the idea of secession may be so unacceptable in practical terms that it is not a feasible option for member states. Moreover, full legal sovereignty is only recoverable as a wholesale package and cannot be reclaimed with regard to individual EC laws, which signals an effective

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<sup>62</sup> See for example, Coombes *op.cit.*, or, K. Minogue, Contribution to a Radio BBC 4 Programme, *op.cit.* The importance of Article 240 has been highlighted recently in the challenge to the constitutionality of the TEU in Germany, without a popular referendum. The German Constitutional Court has used the reversibility argument, based on Article 20 of Germany's Basic Law, to rule that the TEU was constitutionally compatible without amendment to the Basic Law, Germany's Constitution, which needs popular approval. The German Constitutional Court ruled that Europe was not a "Bundesstaat, but a Staatenverbund", that is not a federal state but a type of confederation. It came to this conclusion because the common powers of the EU were "delegated upwards" to the European level which had no independent sovereignty because, "...die Zugehörigkeit zur Union könne letztlich durch einen gegenläufigen Akt (Deutschlands) auch wieder aufgehoben werden...Damit wahre Deutschland die Qualität eines souveränen Staates aus eigenem Recht..." (...the membership of the Union could ultimately be rescinded by an appropriate new Act (by Germany)...Therefore Germany remains a sovereign State, based on its own legal sources... "; author's own translation) The German Constitutional Court however recognised the unique constitutional status of the EU in that it labelled it "eine Gemeinschaft eigener Art" (a unique community) and produced nearly 80 pages of explanation, supporting its ruling. A summary of the ruling can for example be found in *Neue Zürcher Zeitung*, 'Die EG-Mitgliedstaaten bleiben souverän', 22. Oktober 1993, S.7.

loss of some sovereignty for all member states during their entire period of membership.<sup>63</sup>

The EU's situation with regard to sovereignty is thus currently unique and frequently creates bewilderment or unease. Those who embrace the Hobbesian notion of sovereignty as an indivisible entity are most perturbed about this complicated predicament. However, there are other conceptualisations of sovereignty that do not

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<sup>63</sup> The German Constitutional Court's ruling is legally tenable. However, by emphasising the delegated nature of sovereignty, it did not fully capture the reality of the situation, whatever its explanations in support of its ruling. The fact remains that the supremacy of EU law, where applicable, has now so often been confirmed by ECJ rulings that an independent jurisprudence is emerging that would be very difficult to challenge by member states, other than through secession from the Union. This seems to suggest that, in areas where EU law applies, a politically motivated de facto sovereignty at the EU level is slowly being legally institutionalised by the ECJ's actions. Politicians are either not aware of this, which seems implausible, or have largely tolerated it; perhaps because it has helped pro-integrationists to achieve their aim relatively stealthily and with little need to ask for political legitimacy. Moreover, occasionally, politicians have been able to shelter behind the ECJ's proactive attitude.

At least two points follow from the developments with regard to sovereignty in the EU. During the evolution of the EC, there appears to have frequently been a tacit marriage of convenience between legalistic and political integrationists. In view of the ruling of the German Constitutional Court, it has now been argued that the latter too has been "considerate" of political pressures. {See for example, *Der Spiegel*, 'Besonderes Organ', 47(26), 1993, S.31-4. Similarly, Wagner noticed a "smell of political manipulation" during the debate on the compatibility of the TEU with the German Basic Law: H. Wagner, 'Europa in Richterhand', *Focus*, Nr.23, 9. August 1993, S.30.} Moreover, de facto sovereignty is split in the EU between the European and national (and in some cases sub-national governments) and it is increasingly plausible that this has also become a de jure division, given the ECJ's jurisprudence. The full consequences cannot be discussed here, but they are significant, in that the situation is leading to a genuine, and not a delegated, division of de jure sovereignty, so long as member states remain part of the EU. For a sophisticated account of the legal complexities of the EU see for example, R. Bieber, 'Zur Bedeutung der einheitlichen Europäischen Akte für Rechtsentwicklung und Integrationskonzept der Europäischen Gemeinschaft', *Oesterreichische Zeitschrift für Öffentliches Recht und Völkerrecht*, 39(3), 1988, pp.211-36. Similar points are also made in another important article on regulation in the EU: P.A. Vipond, 'The Liberalisation of Capital Movements and Financial Services in the European Single Market: a Case Study in Regulation', *European Journal of Political Research*, 19(2&3), 1991, pp.227-44. It should be noticed that these discussions are applicable, even with the arrival of the TEU because the latter did not fundamentally change the arguments over the sovereignty issue, as it built on an existing situation. Legally, the SEA was probably more fundamentally innovative, since it *established* qualified majority voting.)

necessarily envisage the concept to be indivisible.<sup>64</sup> Yet, even if it proves impossible or impracticable to reconceptualise the dominant Anglo-Saxon interpretation of sovereignty, the actual situation in the EU is extremely unlikely to change, because of the constant need to balance national and European pressures. As seen in the previous section, compromises are responsible for the EU's hybrid nature which, in turn, is directly responsible for the complex situation with regard to sovereignty.

### 2.5.2. Policy Scope and Political Power Games

There have often been arguments over the legislative scope of the Commission. The latter, using its exclusive right to *formally* initiate legislation and referring to the rather obscure Article 235 of the EEC Treaty, has tended to extend its policy scope whenever its political fortunes allowed for 'expansionism'. For example, the Treaties of Paris and Rome make no mention of environmental policy-making at the Community level but the Commission has adopted this policy area as one of its hobby horses, introducing, over time, around two hundred regulations, directives and decisions.<sup>65</sup> Eventually, the Commission's involvement in green issues became commonplace and was given a legal basis, first in the Single European Act and then the TEU. The Commission's tendency to extend its policy scope, and the ECJ's proactive role in European integration have frequently been cited as evidence of the 'predatory nature' of the EC.<sup>66</sup>

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<sup>64</sup> See for example, Prosche *op.cit.*, as well as R. Prokhovnik, 1994, 'Sovereignty in Hobbes, Spinoza and Contemporary Europe', Paper presented at the IVth International Conference for the Study of European Ideas, Karl-Franzens-Universität, 22-27 August 1994.

<sup>65</sup> On this point, see for example, J. Spear, 'The Environmental Agenda' in Rees, G.W. (ed.) *International Politics in Europe: the New Agenda*, Routledge, 1993, Ch. 7, or, Y. Paleokrassa, 'A New Approach To the Environment', *Monthly Newsletter of the European Commission*, No.2, European Communities Publication, February 1994.

<sup>66</sup> Spicer, a UK Euro-sceptic Conservative MP, endorses this view, for example, especially in his now well known book *op.cit.*



In recent years the debate over legislative scope has increasingly centred on the concept of subsidiarity which has been enshrined in Article 3b of the TEU. However, this article is too vague to give strong guidelines.<sup>67</sup> In particular, there are no formal mechanisms that divide the responsibilities for policy-making between the various levels of government. The allocation to date has therefore been based on political and economic realities.<sup>68</sup> Thus, debate over the legislative scope of each tier has been reinforced, not eliminated.

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<sup>67</sup> The vagueness of Article 3b has been widely discussed in recent years, see for example by M. Rhodes, 'The Future of the 'Social Dimension': Labour Market Regulation in Post-1992 Europe', *Journal of Common Market Studies*, 30(1), 1992, pp.23-51; by K. Neunreither, 'Subsidiarity as a Guiding Principle for European Community Activities', *Government and Opposition*, 28(2), spring 1993, pp.206-20; by P. Spicker, 'Concepts of Subsidiarity in the European Community', Paper presented at the EPRU Conference on Subsidiarity and Democracy, University of Manchester, 12 November 1993, as well as by V. Bogdanor, 'Europe, Subsidiarity and the British Constitution', Lecture presented to the University of Oxford Society, 8 December 1993; by Van Kersbergen & Verbeek *op.cit.* and by P. Green, 'Subsidiarity and European Union: Beyond the Ideological Impasse?', *Policy and Politics*, 22(4), 1994, pp.287-300.

<sup>68</sup> The economic limitations with regard to costly policy making are considerable, as has been pointed out in *Neue Zürcher Zeitung*, 'Maastrichts Subsidiaritätsprinzip', 13. Januar 1994, S.12. The main reason for these limitations is the EU's extremely limited budget (compared to national budgets) Moreover, expenses related to the EU's Common Agricultural Policy (CAP) continue to make serious inroads in the EU's budget (see also Chapter five). For tactical reasons the issue of direct taxation at the European level is rarely raised. However, pressures for additional financial sources are steadily growing. See for example *The European*, 'Pressure Mounts for EC Income Tax to Prop up Budget', 7-10 May 1992, p.28. {For an outline and figures on the current budget situation, see for example CEC, 'From the Single Act to Maastricht and Beyond: the Means to Match our Ambitions', COM (92) 2000 final, 11 February 1992, or, *EP News*, 'Budget Agreed and a Seven-year Deal, 14-18 December 1992, p.4. For respective inputs and outputs by member states and the controversies related to these payments, see for example R. Watson, 'Count what you Put in, see Who Takes it out', *The European*, 18-14 November 1994, p.9. For more comprehensive discussions on the current budget policy, see for example, M. Shackleton, 'The Delors II Budget Package', in Nugent, N. (ed.) *The European Community 1992: Annual Review of Activities*, *Journal of Common Market Studies*, Special Volume, 1993, pp.11-26 and A. Scott, 'Financing the Community: the Delors II Package in Lodge, J. (ed.) *The European Community and the Challenge of the Future*, Pinter Publishers, 1993, 2nd edition, Ch. 4.} The budget constraints shape European developments crucially; however, later chapters will reveal that economic restraints have not prevented the European Community from passing laws, but that they have forced the EU increasingly into the realm of regulatory policy-making. Moreover, implementation has sometimes turned into an unpleasant obstacle course, because it has necessitated public financial resources that are not available. Alternatively, it has sometimes put a heavy burden on private financial outlay. These points are pursued further in Chapter seven.

The principle of subsidiarity was first introduced into debate during the late 1970s by the European Parliament, in an effort to ensure that sufficient policy was initiated at the European level! Consequently, both the EP and the Commission welcomed the introduction of this principle.<sup>69</sup> However, in recent years Eurosceptics have hailed the same concept as the obvious means to redress the balance between national and European legislation in favour of the former and have used it as a propaganda tool in the fight against Brussels.<sup>70</sup> Governments have already successfully opposed new or amended legislation, particularly when they have been able to find allies against a policy initiative from among their number.<sup>71</sup> The

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<sup>69</sup> This point is supported by, for example, Green *op.cit.* Interestingly, the Commission has used the principle in two ways; where possible, and to reinforce its status, the Commission continues to urge governments to transfer policy responsibilities upwards, by implying that many problems cannot be resolved otherwise, e.g. poverty and social exclusion. {See for example, CEC, 'Background Report: Social Exclusion and Poverty', ISEC/B11/93, 1993, p.1.} In addition, the Commission uses the concept as a propaganda tool and aims to demonstrate that it is not the interventionist and supranational monster that it is sometimes made out to be. On this point, see for example, *The Economist*, 'Scapegoat Passes Buck', 325(7779), 3 October 1992, p.49 and CEC, 'Background Report: Adapting Community Legislation to Subsidiarity', ISEC/B3/94. The Commission seems nonetheless weary of the principle. Apparently Delors asked John Major in particular not to use it as a weapon against the Commission's just powers. {CEC, 'Week in Europe', WE/25/92.}

<sup>70</sup> See for example, S. Crampton, *Eurospeak Explained*, Rosters, 1992, p.135, or, S. George, *An Awkward Partner: Britain in the European Community*, Oxford University Press, 1994, 2nd edition, pp. 221-2.

<sup>71</sup> National governments always intended to turn the principle into a weapon for controlling excessive Commission interventionism, as became evident during the Edinburgh Summit of the European Council in December 1992. For examples of successful manipulation of the concept in favour of nation state power, see for example, G. Lean, & P. Ghazi, 'Cloak of Subsidiarity is Used to Keep Britain Polluting', *The Observer*, 6 December 1992, p.11, or, *Neue Zürcher Zeitung*, 'Direktiven der EG-Kommission für Europawahl', 30. Oktober 1993, S.2, or, A. Cox, 'Derogation, Subsidiarity and the Single Market', *Journal of Common Market Studies*, 32(2), 1994, pp.127-47. As far as can be judged at this stage, fears of creeping nationalism by way of manipulation of the principle has however on occasions been exaggerated; for example by J. Palmer, 'Major to Hear Delors Plan for Handing Back Powers', *The Guardian*, 23 June 1992, p.1, or by, A. Stern, 'Alarm at Secret Plan to scrap EU's Green Laws', *The European*, 9-15 June 1995, p.1. These two articles indicate that fears are particularly acute with regard to environmental legislation (which tends to be unpopular with many governments and national industries due to associated costs).

Commission, the EP and national politicians are however not the only ones seeking to take advantage of the notion of subsidiarity. The newly constituted Committee of Regions is set to interpret it in favour of more regional input in EU policy making, using the philosophical origins of the concept as a means of legitimising its case.<sup>72</sup>

Subsidiarity has thus become another political game and it is too early to name a winner. Nonetheless, over 100 European laws have already been declared void because they contravene the principle and fears have been expressed that it will undermine environmental policy-making at the European level.<sup>73</sup> However, given the number of existing EU laws, such gestures should not prematurely be taken as final indicators of trends. Dispute is likely to continue and the ECJ may yet get another chance to make an important ruling by interpreting more precisely the meaning of subsidiarity in a case of dispute brought before the Court.<sup>74</sup> The concept thus

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A former Commissioner responsible for environmental legislation has however rejected such fears as "wild rumours". {Karel Van Miert, quoted in *CEC*, 'The Week in Europe', WE/30/92.} Wilkinson and Gardner refuted the idea likewise in D. Wilkinson, 'The Freedom to Fail', *The Guardian*, 11 December 1992, inset on the Environment; D. Gardner, 'Brussels' Green Sprouts. Environmental Policy is Unlikely to Fall Victim to European Decentralisation', *Financial Times*, 21 October 1992.

<sup>72</sup> One of the most comprehensive theoretical accounts of subsidiarity is C. Millon-Delsol, *L'Etat subsidiaire*, Presses Universitaires de France, 1992. For its post-war meaning to Christian Democracy and Federalism, see for example B.G. Peters, 'Bureaucratic Politics and the Institutions of the European Community', in Sbragia *op.cit.*, Ch. 3. Possible opportunities and repercussions for regions, following the ratification of the TEU, are already discussed, too. See for example, A. Scott et. al., 'Subsidiarity: a 'Europe of the Regions' v. the British Constitution?', *Journal of Common Market Studies*. 32 (1), 1994, pp.47-68.

<sup>73</sup> *CEC*, 'Week in Europe: Subsidiarity', WE/42/93.

<sup>74</sup> This development is anticipated elsewhere, too, e.g. M. Shapiro, 'The European Court of Justice', in Sbragia *op.cit.*, Ch. 4 and in D. Judge, 'A Green Dimension for the European Community?', *Environmental Politics*, 1(4), winter 1992, pp.1-9. Judge pointed out that uncertainty over the correct level of policy-making with regard to environmental issues originated in the SEA, because this Treaty amendment introduced the notion of policy-making at the level where environmental objectives can best be achieved, without stating clearly what was meant by this idea.

beautifully demonstrates the subtle interactions between economic, political and legal forces in the absence of constitutional clarity and adequate precedents.

## 2.6. Major Constitutional Change: the Single European Act and the Treaty on European Union

The Single European Act was a radical attempt to rejuvenate a stagnating Community. It was born out of the usual mix of economic, political, legalistic and, to a lesser extent, ideological considerations that characterises European integration. The provisions of this Act were far reaching. Article 7 introduced qualified majority voting in the Council of Ministers to some policy areas and Article 6 enhanced the political power of the European Parliament. The single market legislative programme initiated a period of unusually intense policy-making. Hence, the single market project of the late 1980s and early 1990s stands out as a unique period in the history of the EU, even though the commitment to a single market is contained in the initial EEC Treaty.<sup>75</sup> In 1979 the ECJ had however created different preconditions with its "Cassis de Dijon" ruling which established the "principle of mutual recognition".<sup>76</sup> Together with the economic incentive and the political

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Since the ECJ has already ruled on another ambiguity in the SEA with regard to environmental policy-making (the question of basing policy drafts on Article 130s (unanimity) or 100a (QMV), it is likely to intervene in the question of choosing the appropriate level, too, particularly if disputes arise on future occasions. {For a detailed discussion on the unanimity v QMV issue, see for example, P.M. Hildebrand, 'The European Community's Environmental Policy, 1957 to '1992': from Incidental Measures to an International Regime?', *Environmental Politics*, 1(4), winter 1992, pp.13-43.}

<sup>75</sup> This interpretation of the Single European Market (SEM) project has been widely accepted. See for example, C. Crouch & D. Marquand, 'Foreword' to Crouch, C. & Marquand, D. (eds.) *The Politics of 1992: Beyond the Single European Market*, Blackwell, 1990, or, J. Pinder, 'The Single Market: a Step Towards Union' in Lodge *op.cit.*, Ch. 3, or Bulmer *op.cit.*, 1994.

<sup>76</sup> The far reaching implications of the 'Cassis de Dijon' ruling have been acknowledged widely, e.g. M.F. Braun, 'L'achèvement du grand marché communautaire' in Dominati, J. (ed.). *Quel avenir industriel pour la France?*, Editions Economica, 1987, pp.73-89, or,

dynamic, this landmark ruling made the single market possible in that it facilitated the successful passage of so many policy drafts in such a short time, because it made policy-making a lot easier.

Lord Cockfield captured the essence of this point very well:

"In the first of the new style directives, that dealing with pressure vessels, the legislation extended to five pages only. Under the old approach some ten directives each of about fifty pages would have been needed. It was a massive reduction in bureaucracy and red tape and enormous delegation of power to member states. So many of the criticisms made of the Community-and of the Commission-in this particular field are based on a situation which has long since ceased to exist."<sup>77</sup>

Analysts have stressed the integrative character of the SEA, due to Articles 6 and 7, the intensity of the legislative programme and the new provisions in the areas of social and environmental change.<sup>78</sup> However, the principle of mutual recognition can justifiably be interpreted as a move away from strict supranationalism because it promotes differentiation and constitutes a move away from vertical integration and recipe type harmonisation to horizontal policy-making.<sup>79</sup> This shift amounts to a

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C. Cockbill, '*Harmonisation of Food Law*', Paper presented at the Conference of the National Association of Master Bakers and the Scottish Association of Master Bakers, London, 27 February 1990. See also, Bressand *op.cit.*

For explanations of, and discussions on, the Cassis de Dijon case and the principle of mutual recognition, see for example, D.R. Cameron, 'The 1992 Initiative: Causes and Consequences' in Sbragia *op.cit.*, Ch. 3, or, Shapiro *op.cit.*, or, Pinder *op.cit.*

<sup>77</sup> Lord Cockfield, 'The Real Significance of 1992' in Crouch & Marquand *op.cit.*, p.6.

<sup>78</sup> See for example, C. Archer & F. Butler, *The European Community: Structure and Process*, Pinter Publishers, 1992, or, Pinder *op.cit.*, as well as, D. Franklin, 'A Rude Awakening: a Survey of the European Community', *The Economist*, 328 (7818), 3-9 July 1993, special inset.

<sup>79</sup> This view is supported elsewhere, e.g. by CEEG, 'The Participation of Consumers in National and European Community Policy-making in the Run Up to 1992 and Thereafter', Pamphlet 89/8, 1989, and by Cockfield *op.cit.* and Cameron *op.cit.*

significant change of the rules of the game. Moreover, it has probably saved the European venture from collapsing altogether due to excessive intransigence.

According to The Concise Oxford Dictionary "to integrate" means to "combine (parts) into a whole". This definition encapsulates the progression of policy-making since the adoption of the principle of mutual recognition.<sup>80</sup> Hence, it must be concluded that, in the final analysis, integration has advanced as a result of the 'Cassis de Dijon' ruling. However, the principle changed the nature of integration by initiating an era that works increasingly towards diversity within unity. Nonetheless, concern has been raised that the principle either leads to the 'politics of the lowest common denominator' or to too much diversity, and hence not sufficient harmonisation to create genuine integration. Such concerns have *partially* hampered the progress of the new approach and are not entirely unfounded, though occasionally exaggerated.<sup>81</sup>

These considerations indicate that the formation of the integrated European market cannot simply be conceived of in terms of more or less integration. Principally, the SEM aims to facilitate easier interaction within the EC by doing away with excessive and complicated legislation and by facilitating mutual acceptance between member states.<sup>82</sup> These are essentially deregulatory pressures; a fact which has sometimes

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<sup>80</sup> H.W. Fowler & F.G. Fowler (eds.), *The Concise Oxford Dictionary*, Clarendon Press, 1951, 4th edition, p.620.

<sup>81</sup> For confirmation of concerns about, and resistance to the principle, see for example, Shapiro *op.cit.* Evidence of concern is also uncovered in subsequent chapters. These chapters also confirm the view that the worries are not entirely unfounded, but occasionally exaggerated.

been missed or underestimated, because, in the short term, the single market programme initiated a period of intense policy-making.<sup>83</sup> The creation of the SEM is best understood in the context of broader ideological and political developments which have militated against dirigisme.<sup>84</sup> In that sense the SEA constitutes a qualitative change to European integration, rather than simply a quantitative one. The rules of the game are no longer quite the same; a point made within slightly different conceptual frameworks by a number of commentators.<sup>85</sup> It can therefore be argued that the SEA brought about not only regulative, but, within limits, also constitutive rule changes.<sup>86</sup> The basic 'mission' of the EEC, that is the creation of economic wealth, and through it, political stability, had not altered. However, new philosophical and political approaches had come to the fore as novel means of implementing the mission. Not surprisingly, they have not entirely replaced existing dynamics, but mingled with them, so as to create a Treaty Amendment that is

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<sup>82</sup> See for example, A. Smith, 'EC seeks user-friendly single market', *The Financial Times*, 2 December 1992, p.12. {It appears, however, that there is still much room for improvement, as far as uncomplicated legislation is concerned; on this point, see for example, S. Tate, 'Wanderlust Held Back by Red Tape', *The European*, 25-31 March 1994, p.19.}

<sup>83</sup> See for example, R. Dehousse, 'Integration v Regulation? on the Dynamics of Regulation in the European Community', *Journal of Common Market Studies*, 30(4), 1992, pp.383-402. The deregulatory thrust of the SEM also helps to explain why Mrs. Thatcher put her signature to the SEA; on this point, see for example, K. Featherstone, *The Successful Manager's Guide to 1992: Working in the New Europe*, Fontana, 1990, pp.10-11.

<sup>84</sup> A point confirmed elsewhere, e.g. in Majone *op.cit.* (all previous references).

<sup>85</sup> See for example, A. Shipman & D.G. Mayes, 'Changing the Rules: a Framework for Examining Government and Company Responses to '1992'', ESRC Draft discussion paper no. 199, ESRC initiative on the Evolution of Rules for a Single European Market, 1990; J. Ruggie, 'Territoriality and Beyond: Problematising Modernity in International Relations', *International Organization*, 47(1), winter 1993, pp.139-74. B. Axford, 'Multiple Truths and Postmodern Imaginings: New Ways of Reading European Unity', Paper presented at the IVth International Conference for the Study of European Ideas, Karl-Franzens Universität, 22-27 August 1994. Bulmer *op.cit.*, 1994.

<sup>86</sup> The distinction between regulative and constitutive rule changes dates back to J. Searle, *Speech Acts: an Essay in the Philosophy of Language*, Cambridge University Press, 1965. Broadly speaking constitutive rules (partially) re-write existing scripts, thereby introducing new directions and rules of the game. Regulative rules are concerned with the implementation of existing scripts and rules.

integrationist as well as decentralising, deregulatory as well as interventionist, and contains old as well as new elements.

There is not necessarily a direct correlation between the SEA and the TEU, but the former initiated a period of rejuvenation that was exploited by all those who wished to further develop the European Communities.<sup>87</sup> Yet, it took a lot of political manoeuvring to finalise the Treaty, and even more so to ratify it. In line with its predecessors, it is a compromise between many different influences, with a number of grey areas such as Article 3b on subsidiarity, the regulations over the extended use of qualified majority voting (QMV) by the CoM, or the new conciliation procedure.<sup>88</sup> Hence, as in the case of the SEA, the contents of the TEU have been interpreted variously. Eurosceptics have objected to its integrationist elements, that is the extended policy scope, the provisions for full EMU, the enhanced legislative role of the EP and the extension of QMV, the birth of the European citizen.<sup>89</sup>

This interpretation is not incorrect, but it does not tell the full story either. Many new areas of policy making are based on co-operation, not integration, because they

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<sup>87</sup> See Chapter three for a discussion on spill-over effects, as envisaged by analysts of European integration who embrace(d) the theory of neofunctionalism.

<sup>88</sup> Under the TEU, qualified majority voting has become the standard procedure for environmental policy. However, policies which are primarily of a fiscal nature require unanimity in the CoM. Regrettably, the expression "primarily fiscal nature" is unclear and not further defined. This important point was recently raised by J. B. Skjaereth, 'The Climate Policy of the EC: Too Hot to Handle?', *Journal of Common Market Studies*, 32(1), 1994, pp.25-45. For unforeseen problems with the conciliation procedure, see for example, *EP News*, 'Maastricht Twist', 13-17 March 1995, p.3.

<sup>89</sup> See for example, Spicer *op.cit.*, but also the growing number of anti-Maastricht MEPs, following the June 1994 elections to the European Parliament. Not all of these object to the TEU on the grounds of its integrationist aspects, but many do so. For further details on the elections and anti-Maastricht votes, see for example *The European*, 'European Elections Special Report', 17-23 June 1994, p.10; B. Boyce, 'The June 1994 Elections and the Politics of the European Parliament', *Parliamentary Affairs*, 48(1), 1995, pp.141-56; A. Guyomarch, 'The European Elections of 1994', *West European Politics*, 18(1), 1995, pp.173-87.



remain subject to unanimous agreement, even though the Treaty encourages informal use of QMV whenever possible.<sup>90</sup> Numerous existing areas are also not engulfed by QMV, particularly if they involve significant financial outlay. The powers of the EP have indeed increased, but within limits. Notably, the co-legislative procedure bestowed mainly negative powers upon the EP, that is it can veto legislation, but it cannot play the major part in enacting legislation.<sup>91</sup> Besides, the introduction of European citizenship has been a half-hearted measure.<sup>92</sup> Moreover, the TEU was finalised by the European Council; the latter works on the basis of co-operation and, thus, the outcome of the final version of the TEU was significantly less integrationist than earlier proposals made, for example, by the EP or the then

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<sup>90</sup> See especially the declaration on voting in the field of the Common Foreign and Security Policy in the TEU which reads as follows: "The Conference agrees that, with regard to Council decisions requiring unanimity, Member States will, to the extent possible, avoid preventing a unanimous decision where a qualified majority exists in favour of that decision." {TEU, Publications of the European Communities, 1992.}

<sup>91</sup> *ibid.*, Title II: E - In Part Five 'Institutions of the Community', pp. 62-89.

<sup>92</sup> For worthwhile discussions on the concept of European citizenship as espoused in the TEU, see for example, J.M. Welsh, 'A Peoples' Europe? European Citizenship and European Identity', *Politics*, 13(2), 1993, pp.25-31. Welsh pointed to the limitations of the concept, both theoretically and with regard to bringing the EU closer to the people. She concluded that, because of the term "peoples", used in the EEC Treaty, there was never any intention of a European citizenship in the early days of the EC. However, this conclusion seems a little premature, particularly since Closa, who provided a more sophisticated monologue on the subject, uncovered early pressures for the introduction of citizenship. Consequently, the formal introduction of the concept in the TEU (Articles 8 and 8a) was probably not as innovative as is sometimes thought. Closa, like Welsh, pointed to the limits of European citizenship which has in no way superseded national citizenship. {C. Closa, 'The Concept of Citizenship in the Treaty on European Union', *Common Market Law Review*, 29, 1992, pp.1137-69.} Closa and Welsh inadvertently supported some of the hesitations raised by Habermas' recent reflections on citizenship, democracy and national identity in the European context. To Habermas citizenship is not fully separable from (political) identity, nor from the functioning of democracy. Consequently, he argued that, since democracy was lagging behind in the process of European integration, conditions for genuine European citizenship had so far not been met. {J. Habermas, 'Citizenship and National Identity: Some Reflections on the Future of Europe', *Praxis International*, 12(1), 1992, pp.1-19.} At a recent conference, Weale produced similar arguments {A. Weale, 'The Single Market, European Integration and Political Legitimacy', Paper presented at the ESRC Conference on the Evolution of Rules for a Single European Market, University of Exeter, 8-11 September 1994.}

Commission President, Jacques Delors.<sup>93</sup> Finally, it must be reiterated that Treaty provisions can, and almost certainly will, partially be remoulded in the Intergovernmental Conference that will take place in 1996.<sup>94</sup> The balance between integrationist and non-integrationist elements in the TEU is thus more finely cut than is sometimes thought. However, this assessment applies to existing institutional arrangements only; the newly designed institutions for the achievement of Economic and Monetary Union (EMU) facilitate substantial economic integration. At the very least they will formalise de facto economic interdependence by way of creating a whole new set of common structures. This development will have far reaching consequences, provided it will come to fruition.

The TEU, like the SEA, cannot be evaluated only in terms of more or less integration. The Treaty contains statements on *what kind* of Europe should be emerging, albeit often implicitly. Principally, it expands and develops many of the new themes contained in the SEA, and does not itself introduce constitutive rule changes! Superficially, it rebalances some of the neo-liberal aspects of the SEA in that it expands social and environmental policy-making and, explicitly, embraces the concept of social and economic cohesion. There is also more emphasis on

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<sup>93</sup> This point has been confirmed by several sources, notably *The Economist*, 'Samson Between Pillars', 319(7710), 8 June 1991, p.64. F. Jacobs, R. Corbett & M. Shackleton, *The European Parliament*, Longman, 1992, 2nd edition, emphasised the proactive and instrumental role of the EP during the drafting of the TEU, but correctly pointed to the differences between EP proposals and the final outcome; the latter being less integrationist than desired by the majority of Members of the European Parliaments (MEPs). A. Duff, 'Building a Parliamentary Europe', *Government and Opposition*, 29(2), 1994, pp.147-65, on the other hand, praised the contributions of the EP rather excessively, which is not surprising, given that he is an enthusiastic supporter of further integration, based on the political emancipation of the EP.

<sup>94</sup> See for example, J.L. Graff et al., 'Reinventing Europe', *TIME*, 144(12), 19 September 1994, pp.32-41, or, *EP News*, 'Ideas Flow for Treaty Changes', 13-17 March 1995, p.3, or, R. Watson, 'Son of Maastricht is Conceived', *The European*, 24-30 March 1995, p.7.

decentralisation and the excessive democratic deficit<sup>95</sup> is rectified a little, mainly by enhancing the role of the EP and by introducing European citizenship. The latter also aims to overcome some of the evident elitism inherent in the single market venture.<sup>96</sup> Nevertheless, the centrality of EMU and the emphasis on sound monetary policy confirm that the TEU's principal aim is wealth creation, and hence, the Treaty's objectives are in line with those of its predecessors.

Therefore, the greater emphasis on social engineering, democracy and the European people does not signal a sea change; it is an attempt to make intensified economic integration more palatable. In many instances, this attempt amounts undoubtedly to a sincere political preference, but in some cases it is also based on tactical considerations and, where necessary, economic rationality takes frequently precedence over political rationality.<sup>97</sup> Hence, the marked decoupling of the economic and political agendas through the introduction of an independent central banking system.

The above findings are not surprising, given the EU's basic mission; but how do the other two pillars of the TEU fit into this economic logic? These pillars, which formalise and develop existing themes, deepen the political ambitions of the EU, but are not independent developments. They bring into the open a global debate on the

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<sup>95</sup> For discussions on the meaning, origin, debate. etc. of the democratic deficit, see for example, V. Bogdanor, *Democratising the Community*, Publication of the Federal Trust for Education and Research, June 1990; V. Bogdanor & G. Woodcock, 'Europe and Sovereignty', *Parliamentary Affairs*, 44(4), 1991, pp.481-92; B. Boyce, 'The Democratic Deficit of the European Community', *Parliamentary Affairs*, 46(4), 1993, pp.458-77. Featherstone *op.cit.*, 1994. K. Neunreither, 'The Democratic Deficit of the European Union', *Government and Opposition*, 29(3), 1994, pp.299-314.

<sup>96</sup> See footnote 48 and Chapters three, four, five and seven.

<sup>97</sup> See for example, Busch *op.cit.* on the distinction between economic and political rationalities and the potential for clashes, especially within the context of EMU.

relationship between economic, political and military might. The Gulf War of 1990/1991 symbolised that the European Community was an "economic giant, a political pigmy and a military larva".<sup>98</sup> This war also demonstrated that, even in the post-Cold War world, superpowers need military and political clout as well as economic health.<sup>99</sup> Moreover, economic health may be threatened if it cannot be backed up by political, and even military, might. Consequently, it has been argued that the EU should become a superpower, because such a development was nowadays the only guarantee to safeguard its dual goal of economic wealth and political stability.<sup>100</sup>

## 2.7. Conclusion

The Treaties of Paris and Rome brought forth a complicated institutional compromise. Contrary to Jean Monnet's hopes, the ensuing system was the result of political bargaining and was more political than functional, given the addition of the Council of Ministers and the European Parliament. Functional elements were

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<sup>98</sup> A quote by the former Belgian foreign minister, Eyskens, in *Time*, 'Star-Crossed', 16, 22 April 1991, p.20.

<sup>99</sup> The term 'superpower' is not easily defined. According to Buchan, the notion is indeed tied in with military, political and economic strength and the resulting might and influence in international relations. However, he gives no indication of the relative quantity and/or quality of strength needed. He does however refer to the USA, Japan and Russia. In a sense, this reference contradicts his notion that military, political and economic power are involved since Russia lacks at least the latter and Japan is not very advanced on military power, beyond the confines of its immediate territory. {D. Buchan, *Europe - the Strange Superpower*, Dartmouth Publishing, 1993.} Other commentators undoubtedly include all three aspects. See for example, *The European*, 'Where is the Voice of a United Europe?', 17-19 August 1990, p.8., or, *The Guardian*, 'Europe's Fight to Find its Voice', 9 April 1991, p.18, or, G.F. Treverton, 'The New Europe', *Foreign Affairs*, 71(1), 1992, pp.94-112.

<sup>100</sup> The former US president Bush (1991) was for example of this view, since he stated that the USA "looked to Europe to act as a force for stability outside its own borders." {*The New World Order*, Speech by President Bush delivered on 15 April 1991. Quote taken from page 1 of the official text, supplied by the United States Information Service, U.S. Embassy, London.} President Clinton also claims to support the idea of a European Superstate; see e.g. V. Smart, 'Clinton Backs United States of Europe', *The European*, 24-30 March 1995, p.1.

nonetheless present, albeit in a reduced form: the central role of the Commission, the institutionalisation of major functional interests in the Economic and Social Committee and the encouragement given to other functional interests to participate in the new European venture. Furthermore, the emerging EC was imbued with the dirigiste culture that was prevalent at the time in French public administration and that was so familiar to Jean Monnet. It manifested itself foremost in the Commission's enthusiasm for recipe type legislation<sup>101</sup> and planning, but it was also anchored in certain Treaty provisions, for example with regard to the Common Agricultural Policy. Many of these characteristics have become entrenched; notably, the involvement of functional interests<sup>102</sup> in the policy process (see Chapters four to seven), including many quasi-institutionalised arrangements between the Commission and these interests and the continued role allocated to the ESC. As noted in this chapter dirigiste pressures have not entirely disappeared either. Yet, this brief, and by no means exhaustive, institutional analysis reveals that there have been some important changes to the nature of the Community.

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<sup>101</sup> Recipe type legislation is prescriptive, both in terms of general guidelines and detailed specifications. In the case of food legislation, recipe laws would for example prescribe the types and amounts of ingredients that are necessary to produce a certain product, for example Tomato Ketuchp {see Ch. 7, footnote 22}. In other areas of legislation analogue prescriptions would apply, e.g. *specific* health and safety measures to be implemented for all coal miners in all EU member states.

<sup>102</sup> The term functional interests is used here in a very broad way and includes all those private and public interests (groups, single business organisations or individuals) who are promoting a very particular interest, be this a policy, an institutional arrangement, behaviour/attitudes or values. In other words, the traditional interest groups such as organised labour are included as well as attitude or pressure groups such as the pro-breast feeding lobby. The justification for "lumping" these groups and individuals together lies in their common desire to influence certain aspects of the political system and to get as close as possible to certain formal policy actors. For lengthy discussions on the fine distinction between functional interest groups and pressure or attitude groups, see for example, H. Zeigler, *Interest Groups in American Society*, Prentice Hall, 1964; Ball *op.cit.*; Part 2, Ch. 6; G. Alderman, *Pressure Groups and Government in Great Britain*, Longman, 1984. A.R. Ball & F. Millard, *Pressure Politics in Industrial Societies*, Macmillan, 1986.

The political character of the EU has steadily increased: the European Parliament has gained legitimacy and power; the institutionalisation of the Heads of Government or State in the form of the European Council has added an important new political forum; the top levels of the Commission have become overtly political, especially since the arrival of former Commission President Jacques Delors.<sup>103</sup> In institutional terms, political elements have thus steadily displaced the functional aspects of European unity, without however eliminating them. Despite these changes, the EU's basic mission remains however the same; even though the means to the end now differ significantly from those advocated by Jean Monnet and his disciples.

Different political views on how the goals could best be achieved exist, particularly in the absence of indigenous Europeanism.<sup>104</sup> During the early days, European Community politics were very much dominated by Christian Democratic politics. More recently, other influences have diluted this dominance, especially since enlargement. The influence of ecologists is for example noticeable in the considerable expansion of a policy area that was not even on the agenda in 1957. Moreover, even many Christian Democrats have become less tolerant of the early dirigiste trends in the EU. Consequently, and in line with broader ideological trends in the West, the EU has come to perceive of itself more as a regulatory than a dirigiste body, even though old habits die hard. The main debates thus centre on the extent and type of regulation that is necessary to ensure that the objectives of

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<sup>103</sup> See for example, Drake's intriguing account on Jacques Delors' impact on the office of President of the Commission of the European Union in H. Drake, 'Political Leadership and European Integration: the Case of Jacques Delors', *West European Politics*, 18(1), 1995, pp.140-60. A comprehensive account of Jacques Delors' impact on this office would need to go beyond an analysis of discourse. Nonetheless, this is a valid and needed contribution.

<sup>104</sup> See Section 2.3 and Boyce *op.cit.*, Human Resources..., 1993 and 1994 (publication and presentation); Schlesinger *op.cit.*, 1994.

European integration, as outlined in the various Treaties, are met. Consequently, EU policy-makers are much less concerned with the creation of detailed plans and highly prescriptive policy programmes.<sup>105</sup> Thus, the shift from dirigisme to regulation produces a much less restrictive legal environment.

The main political conflicts now revolve around the extent of regulation and distribution. Christian Democrats, Social Democrats, Socialists and, on the whole, Environmentalists, continue to be concerned very much with issues of social regulation and equality and have brought about the reform of the structural funds and the steady expansion of social and environmental policy.<sup>106</sup> Recent enlargement in January 1995, when three comparatively wealthy countries which have high standards with regard to social welfare joined the EU, will probably reinforce this pressures for social regulation, even though the philosophical principles that motivate them are different.<sup>107</sup> To a much lesser extent other influences are noticeable, mainly in the form of MEPs or lobbyists, including regionalists, nationalists, ultra right or left and feminist politicians. Some of these enhance

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<sup>105</sup> Policy action programmes are still a basic means of advancing EU policies, e.g. in the areas of social or environmental policy, but their objectives are more limited. They aim to prevent undesirable activities and processes by way of regulating the behaviour of those at whom the laws are aimed. Previously, they aimed much more to actually prescribe, in considerable detail, what behaviour should be adopted by those at whom the laws were aimed.

<sup>106</sup> On this point, see for example, M. Shackleton, 'The European Community Between Three Ways of Life: a Cultural Analysis', *Journal of Common Market Studies*, 29(6), 1991, pp.575-601; A. Weale, 'Social Policy and the European Union', *Social Policy and Administration*, 28(1), 1994, pp.5-19. J. Carvel, 'Delors Denounces Deregulation', *The Guardian*, 27 May 1994, p.3.

<sup>107</sup> The accession of Sweden and Finland to the EU enhances the profile of non-Catholic countries and puts an end to the claim that the EU is little more than a Christian Democratic 'club'. However, in terms of philosophical differences, it is more appropriate to argue that Christian Democrats draw upon traditional religio-ethical teachings whereas other forces in the EU who are also concerned with equality through market regulation, where appropriate, draw more heavily on socialist, and perhaps more recently, on ecologist sources. It would go beyond the scope of this thesis to discuss details, particularly, since the various sources are not always completely distinctive, nor embraced in their pure forms. Moreover, in terms of policy preferences, the differences do not matter sufficiently to prevent policy alliances.

regulatory pressures, others reduce them, though none of them is a major player. Since the late seventies, the influence of monetarist and neo-liberal thought in Western politics has put significant deregulatory pressures on the EU. Ardent proponents of neo-liberalism and/or monetarism have endeavoured to decouple economic policy from mainstream politics, and have usually argued for economic integration only. In reality, the centrality of economics to European integration has however been mediated by political, and to a much lesser degree, ideological and cultural concerns.

It has now been established that the primary goal of the EU is of an economic nature, but that, within these parameters, a predominantly political organism, with marked functional components, has evolved. However, the constant political bickering and compromising has produced so many vague outcomes that judicial review and interpretation has become a common and extremely important way to clarify many of these ambiguities or controversies, including the establishment of the supremacy of EU law itself (in the applicable areas). Moreover, during periods of political inertia, such as the early 1970s, the ECJ has upheld European integration.<sup>108</sup> Therefore, legal developments have also significantly shaped the nature and extent of European integration.

There are many political systems with extremely powerful supreme courts. The recourse to the German Constitutional Court with regard to the ratification of the TEU in Germany is a timely reminder of the powers of some national supreme courts. However, currently, the ECJ stands out for a number of reasons. Unlike elsewhere, ECJ Judges appear not to be blatant political appointments.<sup>109</sup> This

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<sup>108</sup> Shapiro *op.cit.*, p.123.

<sup>109</sup> See for example, Nugent *op.cit.*, 1994, p.229: "There is no evidence of 'political' appointments being made, in the way which they are to the United States Supreme Court,..."



strategy may be desirable at one level, but given that all judges are appointed by member states, it adds to the lack of political accountability in the EU and further affects the legal-political equilibrium (or disequilibrium?) in the EU. Ambiguities in constitutions provide extra opportunities for judicial review, particularly in the absence of a dominant political force. A good example is the rise in activity of the French Constitutional Court during periods of co-habitation.<sup>110</sup> The many ambiguities contained in the Treaties, the diffusion of political power between several institutions and the youth of the EU have thus almost certainly worked in favour of the ECJ's ability to shape European integration.

The limitations of the ECJ have been most marked in the area of implementation since it has lacked resources, like power, though not authority, human resources, organisational structures, finance, to enforce its rulings. However, some scholars have predicted a diminished role of the ECJ in terms of judicial review and indirect policy-making in the near future, at least as far as landmark judgements are concerned, due to enhanced political activity in the rejuvenated, post-1970s EU.<sup>111</sup> In view of such issues as subsidiarity, *some* doubt must be cast on this interpretation. Moreover, the ECJ's role may change qualitatively, without necessarily decreasing in importance: "Americans have learned that judicial activism can occur not only when the courts wave the big, dramatic stick of constitutional judicial review but also when they work small in the realms of statutory interpretation and administrative

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<sup>110</sup> For discussions of the political activities of the French Constitutional Court, see for example, Y. Mény, *Government and Politics in Western Europe: Britain, France, Italy and West Germany*, Oxford University Press, 1990, Ch. 8 on Constitutional Courts, and particularly, A. Stone, 'Where Judicial Politics are Legislative Politics: The French Constitutional Council', *West European Politics*, 15(3), 1992, pp.30-49.

<sup>111</sup> See for example, T. Loopmans, 'The Role of Law in the Next Stage of European Integration', *International and Comparative Law Quarterly*, 35, October 1986, pp.925-31, or, H. Rasmussen, *On Law and Policy in the European Court of Justice: a Comparative Study in Judicial Policy-making*, Martinus Nijhoff, 1986.

review.<sup>112</sup> Given the steady increase in EU legislation there is plenty of scope for the ECJ to work in these areas.

As a result of early influences, the European Community has been quite remote from the European peoples. Arguably, this was not considered to be a particular problem during its early years of development but some commentators soon voiced concern about the lack of involvement of ordinary people and the subsequent absence of social and/or cultural integration.<sup>113</sup> Consequently, the major European actors soon began to disseminate information in the hope of creating some sense of belonging among European peoples, for example, through regular surveys and the issuing of Eurobarometers, that is opinion polls on European matters organised by the Commission. These attempts have however frequently been guided by a naive belief that top down activity would be sufficient to facilitate genuine communication between the peoples of Europe and the architects of European integration.<sup>114</sup> Consequently, these efforts have failed to overcome elitism and establish

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<sup>112</sup> Shapiro *op.cit.*, p.155.

<sup>113</sup> See for example, B. Landheer, 'Introduction' in Landheer, B. (ed.) *Limits and Problems of European Integration*, Martinus Nijhoff, 1963, pp.1-5. This point has also been made variously in at a more general level of discussion which is however relevant to the discourse on European integration. See for example, K.W. Deutsch, 'Communication and the Concept of a People', in Douglas-Jackson, W.A. (ed.) *Politics and Geographic Relationships*, Prentice-Hall, 1964, pp. 113-7, or, M. Gaudelier, 'Process of State Formation', in Kazancigil *op.cit.*, pp.3-19. Majone, too, came to similar conclusions, although in a slightly different context. He argued that the growth of regionalism in Europe may well be predominantly linked to feelings of cultural identity and opportunities for participation in the public domain, rather than a result of perceived economic gains. {G. Majone, 'Preservation of Cultural Diversity in a Federal System: The Role of the Regions', in Tushnet, M. (ed.) *Comparative Constitutional Federalism: Europe and America*, Greenwood Press, 1990, pp.67-76.}

<sup>114</sup> See footnote 48 as well as Landheer *op.cit.*, p.2, who recognised this problem very early during the life of the EC: "The limited participation of the Europeans in European integration may have deeper causes, and it may not be simply a matter of more and better information." A recent press release and background report by the CEC argue indeed rather simplistically that more information and greater transparency (whatever that means!) will significantly improve communication. {CEC, 'Background Report: Towards a More Open Community', ISEC/B23/93; CEC, 'Press Release: Information Deficit Highlighted by EC Survey', ISEC/18/93.}

constructive exchanges with the public on a large scale.<sup>115</sup> The makers of Europe have however taken extensive additional measures to avert accusations of elitism, following the signing of the TEU. These were reinforced after the first Danish referendum on the TEU when said Treaty was narrowly rejected by the Danish people. In many areas, the quality of efforts has however barely changed and the majority of European peoples continue to feel that the EU is elitist and remote. It will not be easy to challenge this view, particularly if promises are not kept. For example, to date secrecy in the Council of Ministers continues to thrive even though transparency has long been promised, in the Council and elsewhere.<sup>116</sup> Similarly, European architects continue to communicate in jargon, thereby excluding many non-specialists from their conversations.<sup>117</sup> Moreover, there is evidence that a number of Eurocrats and European politicians consider these endeavours to be little more than public relations exercises.<sup>118</sup> These accusations cannot be generalised, but, in the final analysis, they are symptomatic of a continued communication gap.

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<sup>115</sup> For confirmation of this assessment, see for example, A. Louyot & F. Geoffroy, 'Le vrai pouvoir des Eurocrates', *L'Express*, no. 1, 25 septembre au 1 octobre 1992, pp.20-4.

<sup>116</sup> In a recent background report, the Commission admitted that progress with regard to information, communication and openness was far from satisfactory. {CEC, 'Background Report on Information, Communication, Openness', ISEC/B25/94.} For promises on more openness, see for example the "Declaration on the Right of Access to Information in the Final Act of the TEU *op.cit.*, or, J. Palmer, 'Leaders Vow to Strip Veil of Secrecy from Europe', *The Guardian*, 17 October 1992, p.8. Given this admission, it may well be that the Commission is less naive than it may seem and recognises the limitations of its public relations and communication exercises. Consequently, some of its recent efforts may well have been attempts to pay lip service to the political statements on more openness and nearness which have become commonplace in the light of anti-Maastricht voices.

<sup>117</sup> See for example, Crompton, S. (1990). *op.cit.*

<sup>118</sup> See for example, H. Wallace, 'Britain and Europe' in Dunleavy, P., Gamble, A. & Peele, G. (eds.) *Developments in British Politics 3*, Macmillan, 1990, pp.150-74, or, T. Naudin, 'Why it is Time to Tear Down the Eurocrats' Paper Curtain', *The European*, 10-16 March 1995, p.21. This view was also expressed by some of the people that were interviewed for the research project, including a Commission official.

The attempt to overcome elitism is part of the larger quest to add a cultural dimension to European integration and to create a genuine European 'Gemeinschaft'.<sup>119</sup> Even the briefest of summaries reveals that this dimension was largely absent from the EC and it is far from evident that it was thought desirable or necessary by the majority of early architects of European integration. However, an increasing number of commentators have been lamenting that European integration lacked a "Messianic drive", or "a heart" or "a soul", or indeed "a spiritual dimension".<sup>120</sup> Undeniably, a whole range of measures and Treaty provisions have

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<sup>119</sup> Sociologists have made a clear distinction between the two concepts of 'Gesellschaft' (association) and 'Gemeinschaft' (community), based on the different meanings of these two German words. Each term delineates a different type of social order, with the latter referring to a much closer type of social interaction where the interaction is an end in itself. On the other hand, the exchanges in a 'Gesellschaft' are utilitarian and not as comprehensive as those within a community. Obvious examples of a community, at the micro level, would be a family, at the macro-level, a 'Volk', as first conceptualised by Herder, or a nation. Examples of associations abound in modern society, e.g. an interest organisation. The concepts of Gemeinschaft and Gesellschaft are ideal-types and few social groups will neatly fit into these; a point which is particularly true for the European Union. However, an examination of the (lack of) cultural aspects of the EU reveals immediately that the latter is much nearer the Gesellschaft than the Gemeinschaft end of a continuous spectrum which each ideal-type at one pole. This is perhaps not surprising, given its utilitarian origin. The differences between the two concepts of 'Gemeinschaft' and 'Gesellschaft' were first discussed in F. Tönnies, *Gemeinschaft und Gesellschaft*, 1887, as referred to, for example, in G.D. Mitchell (ed.), *A Dictionary of Sociology*, Routledge and Kegan Paul, 1968, pp.84-5. Many sociologists, including Tönnies, were concerned that the arrival of modern industrialised society constituted a major assault on communities. Nowadays, debate centres on the artificiality of the notion of community and the possibility that it is an imagined rather than empirically unassailable concept. {See for example, B. Anderson, *Imagined Communities*, Verso, 1989; S. Lash & J. Urry, *Economies of Signs and Space*, Sage, 1994, Ch. 12.} It is not the task of this thesis to address these issues, but they point to the general difficulties with the concept of community that add to the specific obstacles against the evolution of a 'Gemeinschaft' in the case of the European Union.

<sup>120</sup> See for example, R. Aron, *France Defends EDC*, Praeger, 1954, p.316: "The European idea is empty; it has neither the transcendence of Messianic ideologies nor the immanence of concrete patriotism. "for "soul", see for example, R. Dahrendorf, wrote about the absence of a "European soul" in 'Making Sense of Europe', *Marxism Today*, December 1990, pp.14-6. In a recent newspaper article it was again argued that the EU lacked heart and was too rational which helped to explain indifference and lack of knowledge among European citizens. {S. Geisel, 'Strassburg zwischen Europa und Eurokratie', *Neue Zürcher Zeitung*, 23. Dezember 1993, S.6.} In his address to the EP, Vaclav Havel, the present Czech President, argued that Europe needed a "spiritual dimension". {*EP News*, 'Europe 'Needs a Spiritual Dimension', 7-11 March 1994, p.1.

developed over the years, and especially in the last decade, to "create a European soul", and thereby hopefully a genuine cultural dimension to European unity. It has long been accepted that such a dimension has to respect existing cultural diversity and avoid attempts at imposed homogenisation.<sup>121</sup> Yet, besides the obvious limitations to cultural engineering from above, there are tremendous obstacles that prevent progress in this dimension. Europeans continue to have strong regional and/or national cultural affinities and many do not have a desire to substitute, or even dilute, these by European affinities.<sup>122</sup> Unless European culture simply means a wholesale embrace of existing cultures within the member states and an acceptance that they have predominantly derived from a Graeco-Roman and Christian heritage, it is extremely difficult to define what is meant by the concept. As seen, it is by no means as natural, nor harmonious, as has sometimes been pretended. Finally, any attempts to create a cultural dimension to European unity must fit within the parameters of the EU's basic mission. In view of the formidable obstacles to cultural development, it is not surprising that, at the time of writing, the European Union lacks genuine cultural unity, if the latter is taken to be a newly created, additional cultural layer. Yet, the fears that a growing gap between politico-economic and cultural dimension may eventually strain further integration is probably justified, especially in view of recent expansion.

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<sup>121</sup> On this point, see for example, H. Wallace, 'The Impact of the European Communities on National Policy-Making', *Government and Opposition*, 6(4), 1971, pp.520-38, or, J-P. Jacqué, 'La communautarisation des politiques nationales', *Pouvoirs*, 48, 1989, pp.29-38, or, S. Hughes, 'Socrates Set for Demand Crisis', *The Times Higher Education Supplement*, 7 July 1995, p.12.

<sup>122</sup> See for example, T. Richel, 'One Europe? You must be Joking!', *New European: Quarterly Review*, 5(6), 1992, pp.31-41, for 'illuminating' comments by 'ordinary' Europeans from all member states (at the time of publication), indicating that they neither have a sense of common cultural Europeaness, nor wish to develop one.

The preliminary discussions in this chapter also give away some clues about the issue of integration. To put it bluntly: At the time of writing, Europe is more integrated than after the signing of the Rome Treaties in 1957. The centrality of the integration theme and this finding warrant a more extensive discussion on the extent and nature of integration; this takes place in the next chapter. However, integration can only be split from other factors for analytical purposes, because, on the whole, integration has not been an end in itself. To reiterate it once more, the *raison d'être* of European unity is still wealth creation and political stability. To the vast majority of Europeans, integration is merely a function of this ambition and not an end in itself.

The final issue raised in this chapter concerns change. The political system that is now the European Union is young and still comparatively underdeveloped and has, therefore, been very amenable to mutation, as has been evident from the brief discussions in this chapter. Developments have not been one-directional, nor irreversible, nor always predictable. The most significant modifications have been a (more overt) embrace of political, and possibly military, ambitions, institutional changes, extension of policy scope, greater attempts to involve the European peoples in the creation of unity and a move away from dirigisme and homogenisation to regulation and mutual recognition of diversity. As argued earlier, the latter has in many ways been the most marked qualitative shift and has partially altered the existing rules of the game. The extent and depth of change has made for uncertainty and unevenness in terms of the nature and expansion of European integration and has brought forth many ambiguities, controversies and compromises. As a result, analysis has been difficult and varied, as will become evident during the next chapter. Yet, the extent of change must not be exaggerated, since the basic objectives of European integration have not changed. Moreover, original constitutional and institutional arrangements have severely mediated any attempts at alteration. Similarly, the dominant political and ideological traditions of Western Europe have imposed limiting parameters and the same goes for certain external factors, such as

global economic trends, the foreign policy of the USA towards Europe. It would therefore be wrong to consider the EU as a completely undefined organism; it is by no means fossilised but it is not just a shapeless, viscous mass.

## **CHAPTER THREE:**

### **MAKING SENSE OF EUROPEAN INTEGRATION:**

#### **PRELIMINARY THEORETICAL CONSIDERATIONS**

##### 3.1. Introduction

The post-war era has witnessed the emergence of a number of approaches to (regional) integration that have derived predominantly from international relations discourses. Some of these have developed into fully blown theories, such as neofunctionalism whereas others have remained less developed. Nonetheless, they tend to be labelled as 'integration theories' and this term is used here. Analysts of European integration have referred constantly to these conceptualisations and, indeed, developed and redeveloped them in the light of empirical data, especially since it soon became evident that all of them had serious flaws. This chapter examines the main contributions and limitations of integration theories to an understanding of European integration and policy-making in the European Union. Besides individual faults, these theories have three major shared shortcomings: firstly, they fail to address satisfactorily the issue of change; secondly, they do not take adequate account of the inner workings of the EU and, finally, they are too general, ignoring idiosyncrasies within specific policy areas.<sup>1</sup> Consequently, it is necessary to draw upon other theoretical material too, especially from political

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<sup>1</sup> This argument was initially developed by S. Bulmer, 'Domestic Politics and European-Community Policy-making', *Journal of Common Market Studies*, 21(4), 1983, pp. 349-363 and has since been reiterated variously, e.g. by George *op.cit.*, 1991; Hix *op.cit.*, 1994, and, B. Rosamond, 'Contemporary European Integration: the Limits of Nation State-Centrism', Paper presented at the IVth Conference of the International Society for the Study of European Ideas, Karl-Franzens-Universität, 22-27 August 1994.



science and, to a lesser extent, from sociology to compensate for these shortcomings. Appropriate discussions are therefore introduced both here and in the three subsequent chapters.

### 3.2. Neofunctionalism

The two classical integration approaches associated with the analysis of newly emerging international institutions, including the EC, are neofunctionalism and intergovernmentalism. Neofunctionalism was first formulated by Haas and emanates from a pluralist world view.<sup>2</sup> Proponents of neofunctionalism maintained that European integration constituted an inexorable process that would lead eventually towards a United States of Europe. In the light of France's empty chair policy and the Luxembourg Accords, the theory was rejected, even by Haas himself who admitted that "...the assumed linearity between initially programmed impulses and eventual outcomes is disturbed".<sup>3</sup> Yet, Haas never ceased to believe that "...initially programmed impulses..."<sup>3</sup> for integration had been built into the structure of the EC. Certain other analysts agreed and the neofunctionalist concept of spill-over also attracted renewed interest following the end of Euro-sclerosis in the early 1980s. Consequently, there have since been a few attempts to use aspects of the theory or, indeed, to resurrect it, albeit in amended forms that make use of the constant refinement of the integrationist debate.<sup>4</sup>

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<sup>2</sup> Haas *op.cit.*, 1958.

<sup>3</sup> E.B. Haas, *The Study of Regional Integration*, in Lindberg, L.N. & Scheingold, S.A. (eds.) *Regional Integration*, Harvard University Press, 1971, Ch. 1, p.35. See also, E.B. Haas, *The Obsolescence of Regional Integration Theory*, Berkeley Institute of International Studies Press, 1976.

<sup>4</sup> See for example, P. Taylor, 'The New Dynamics of EC Integration in the 1980s', in Lodge, J. (ed.) *The European Community and the Challenge of the Future*, Pinter, 1989; J. Tranholm-Mikkelsen, 'Neo-Functionalism: Obstinate or Obsolete? A Reappraisal in the Light of the New Dynamism of the EC', *Millennium: Journal of International Studies*, 20(1), 1991, pp.1-22, or, Burley & Mattli *op.cit.*

History confirms that newly formed structures *can* further integration such as in the case of Switzerland.<sup>5</sup> The previous chapter suggests that this finding also applies to the EC. Consequently, limited evidence of spill-over effects can be uncovered: for example, the expansion of policy scope, the proposals for EMU, the recourse to qualified majority voting in some areas of policy-making, the growing role of the EP and, above all, the supremacy of EU law. However, the previous chapter demonstrates also that there are contra-integration pressures and that spill-over has been limited and, where it took place, potentially reversible because of the strong political influences on integration which have been underestimated by neofunctionalists. Moreover, superficial signs of spill-over may in fact cover up political manipulation and bargaining and, hence, not be as automatic as they may appear at first sight.<sup>6</sup> This point is difficult to assess and it will need closer scrutiny during the case studies. However, it is possible to argue already that, if political pressures were to oppose spill-over pressures, the dynamics of the latter would almost certainly be undermined. For all these reasons, neofunctionalism, with its underlying determinism and its excessive faith in apolitical processes, is intrinsically flawed. Nevertheless, it would be unjust to condemn neofunctionalism outright. Neofunctionalists have pointed usefully to the central position of the Commission,

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<sup>5</sup> See for example, M. Forsyth, *Unions of States: the Theory and Practice of Confederation*, Leicester University Press, 1981. (for a general discussion on the structure-behaviour relationship, within the context of his chosen topic); C.H. Church, 'The Not So Model Republic? The Relevance of Swiss Federalism to the European Community', Paper presented at the Political Studies Association Annual Conference, Leicester, 1993, or, W. Linder, *Swiss Democracy*, St. Martin's Press, 1994. It should be noted that all these scholars make the point about structures in relation to (con)federalism, not (neo)functionalism. However, (con)federalists and (neo)functionalists alike believe that structural changes lead to behavioural and value changes.

<sup>6</sup> This point has been made repeatedly, e.g. by R.O. Keohane & S. Hoffmann, 'Conclusions: Community Politics and Institutional Change', in Wallace *op.cit.*, 1990, Ch. 16, or, R.J. Barry Jones, 'The Economic Agenda', in Wyn Rees, G. (ed.), *International Politics in Europe: the New Agenda*, Routledge, 1993, Ch. 6.

the functional and bureaucratic interests that are involved in policy-making and the pressures towards an 'ever closer union', but they have not paid adequate attention to all the other factors involved in European integration.

### 3.3. Intergovernmentalism

Intergovernmentalism has its roots in the Realist school of international relations (IR)<sup>7</sup> and relates to a particular way of describing exchanges between the member states of the EU. The Realist school of thought adopts a Hobbesian view of human nature and maintains that international relations are characterised by self-interest, intense 'politicking' and the pursuit of power. Thus, political interests take precedence over economic or other functional considerations:

"The world economic system is not a prime mover, nor a God-like distributor of roles and divider of labour, but the outcome of discrete political decisions made by the separate units."<sup>8</sup>

International exchanges take the form of bargaining and conflict management, with a constant possibility of a break-down in relations. With regard to the European Union, intergovernmentalists stress the centrality of the Council of Ministers and the European Council and regard these as microcosms of international political conflict management. Consequently, they tend to (over)emphasise the importance of the Luxembourg Accords.

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<sup>7</sup> For classical Realist accounts of international relations, see for example, R. Aron, *Peace and War: a Theory of International Relations*, Weidenfeld & Nicolson, 1966, or, H-J. Morgenthau, *Politics among Nations*, Knopf, 1966, or, E.H. Carr, *Politics among Nations: the Struggle for Power and Peace*, Knopf, 1967, or, K.N. Waltz, *Theory of International Politics*, McGraw-Hill, 1979. For more recent, neo-Realist accounts, see for example G.H. Snyder, 'Alliance Theory: a Neo-realist First Cut', *Journal of International Affairs*, 44, 1990, pp.103-24.

<sup>8</sup> S. Hoffmann, 'Reflections on the Nation-State in Western Europe Today', *Journal of Common Market Studies*, 20(1-2), March 1982, pp.29-37.

Although intergovernmentalists<sup>9</sup> believe that bargaining strategies are shaped as much as possible by the self-interests of those who participate in the bargaining processes, they do not deny the possibility of successful conflict management or incidental integration. However, they refute any notion of functional determinism. Thus, according to intergovernmentalist explanations, successful conflict management, including possible progress in respect of integration, will only be sustained as long as there is adequate political commitment among key actors. That commitment depends on expectations to reap self-interested benefits for individual member states and/or politicians from the sustained involvement in conflict management.<sup>10</sup> In addition, the shape and outcome of international exchanges depends on the respective strengths and skills of the key players. In turn, the strength of key players is determined by the relative balance of authority and power over which they dispose. For example, in the context of the EU, German predominance is kept in check by the fact that no special authority is given to German leadership within the institutional arrangements among the member states but is, simultaneously, promoted by the comparative power that Germany possesses in relation to other member states and as a result of more extensive resources like economic might.<sup>11</sup>

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<sup>9</sup> Stanley Hoffmann and Sir Ralf Dahrendorf have been some of the most fervent advocates of intergovernmentalism, particularly in response to neofunctionalist interpretations of European integration. See for example, S. Hoffmann, 'Obstinate of Obsolete? The Fate of the Nation-State and the Case of Western Europe', *Daedalus*, 85(3), 1966, pp.872-7; S. Hoffmann *op.cit.*, 1982, or, R. Dahrendorf, 'The Future of Europe', in Dahrendorf, R. (ed.) *Whose Europe? Competing Visions for 1992*, Institute of Economic Affairs, 1989, Ch. 1. Intergovernmentalist undercurrents appear in recent works, too, for example in Joffe's recent discussion of the 'New Europe'. See, J. Joffe, 'The New Europe: Yesterday's Ghosts', *Foreign Affairs*, 72(1), 1993, pp.29-49. This article contains classical intergovernmentalist statements such as "...the governments of sovereign states never behave as one; in the crunch, they will follow their own, and not the communal interest." {*ibid*, p.40.}

<sup>10</sup> Thus, bargaining is usually seen as a 'zero-sum' game.

<sup>11</sup> This point is picked up for example by Perry Anderson in his review on two recent works on European integration and the European Union. See, P. Anderson, 'The Europe to Come', *London Review of Books*, 25 January 1996, pp.4-7.

In view of the above assumptions concerning international interaction, intergovernmentalists interpret the development of the EC not as an autonomous process but as an incidental outcome of sustained self-interested and external pressures from powerful sources, such as the USA. As far as intergovernmentalists are concerned, self-interest is linked directly to a desire among key actors to *safeguard the centrality of the nation state system in the international context and the independence of the nation state that they represent*.<sup>12</sup> External pressures, too, are there to prevent a collapse of the nation state system as a result of excessive national rivalry, followed by destructive conflict. Thus, integration is neither seen as desirable nor justifiable in its own right; it is, and must be, a means to preserve the predominance of the nation state. Since, to date, "...the Community helps preserve the nation states far more than it forces them to wither away",<sup>13</sup> limited integration has been a price well worth paying. However, intergovernmentalists anticipate that integration will continue or, indeed survive, only as long as it continues to *enhance* the centrality of the nation state in international relations.

International bargaining scenarios sometimes overestimate the autonomy of the key actors and, simultaneously, underestimate the constraining effects of indigenous and exogenous pressures on actor autonomy. However, in the case of European integration, the pivotal mediating role of the Cold-War global constellation and the USA's positive attitude towards European integration have been acknowledged widely.<sup>14</sup> By contrast, most of the early intergovernmentalist interpretations of

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<sup>12</sup> See for example, Hoffmann *op.cit.*, 1982. This argument has been made very strongly, more recently, too, namely by A.S. Milward, *The European Rescue of the Nation-State*, London: Routledge, 1992.

<sup>13</sup> Hoffmann *op.cit.*, 1982, p.36.

European interaction fail to take account of indigenous mediating factors. In particular, they ignore the extent to which actor behaviour is being shaped by domestic political factors. For this reason, Bulmer's 'domestic political model', that emphasised the extent to which key actors are constrained by internal political scenarios, has been praised justifiably as a considerable conceptual refinement of original intergovernmentalist discourse.<sup>15</sup>

Intergovernmentalism is an antidote to neofunctionalism and enjoyed high prestige in the late 60s and 70s, following the near collapse of the EC during the Gaullist era.<sup>16</sup> In recent decades, serious doubts about its validity as an explanation of European integration have arisen, notably because of events such as the signing of the SEA and the TEU and the continued dynamic of European integration, despite the end of the Cold War era.<sup>17</sup> Nevertheless, Realist interpretations of European integration continue to play an important role in the search for a satisfactory analytical

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<sup>14</sup> Hoffmann *op.cit.*, 1982. The point about the influence of the USA and the Cold War on European stability has been raised variously, but usually with the conclusion that this was only one aspect of integration and could not have worked without internal European dynamics. See also earlier comments on this topic in Chapter two, or, P.G. Lewis, 'Superpower Rivalry and the End of the Cold War', in McGrew, A.G. & Lewis, P.G. (eds.), *Global Politics*, Polity, 1992, Ch. 2, or, A. Sharp & K. Ward, 'The United States and Europe, 1945 to 1991', in Waites, B. (ed.), *Europe and the Wider World*, Routledge, 1993, essay 3, or, M. Gallagher et al. (eds.), 'Toward One European Government?', in *Representative Government in Modern Europe*, McGraw-Hill, 1995, 2nd edition, Ch. 5.

<sup>15</sup> Bulmer *op.cit.*, 1983.

<sup>16</sup> See for example, P. Taylor, 'Intergovernmentalism in the European Communities in the 1970s: Patterns and Perspectives', *International Organization*, 36(4), 1982, pp.741-66. There is also recognition of the stagnating legacy of the 60s and 70s in H. Wallace, 'Negotiation, Conflict, and Compromise: The Elusive Pursuit of Common Policies', in Wallace, H., Wallace, W. & Webb, C. (eds.) *Policy-Making in The European Community*, John Wiley and Sons, 1983, 2nd edition, Ch. 2. Although Wallace's account is too policy-centred and too astute to be labelled 'intergovernmentalist', whatever Hix's views on the subject {See Hix *op.cit.*, 1994, footnote 21}.

<sup>17</sup> See for example, W. Wallace, 'Introduction: the Dynamics of European Integration', in Wallace, W. (ed.), *The Dynamics of European Integration*, Pinter, 1990, Ch. 1, or, Nugent, 1994, *op.cit.*, or, Archer & Butler *op.cit.*

framework, albeit usually in refined forms.<sup>18</sup> There is indeed plenty of evidence of persistent national self-interest among member states, including the compromise appointment of Jacques Santer as Commission President (1995-1999), the dispute over the voting rights of the new members (Finland, Austria, Sweden), Chancellor Kohl's successful intervention to secure a top economic portfolio for Martin Bangeman, one of the German Commissioners, the Greek refusal to consider the Turkish membership application and the increasingly contentious issue of border control.<sup>19</sup> The recent fishery disputes symbolise that the EU members are still comparable to "a basket of crabs that keep pinching each other".<sup>20</sup>

It is not surprising that national self-interest continues to thrive among EU member states. Despite some claims to the contrary, national identity and nation statism still play crucial cultural *and* political roles in individual member states and during international exchanges.<sup>21</sup> Arguably, national elites perpetuate that situation by

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<sup>18</sup> See footnotes 6, 7 and, especially, 13, but also section 3.6 of this chapter.

<sup>19</sup> Some examples were provided by interviewees, whereas others were referred to in secondary literature, mainly of the journalistic type; for the latter see for example, F. Painton, 'European Union: Hugs, but no Kisses', *TIME*, 143(14), 4 April, 1994, pp.26-7, or, J. Carvel & M. White, 'EU moves to Tighten Frontiers', *The Guardian*, 14 February 1995, p.1.

<sup>20</sup> George Sorel, speaking of Europeans in 1908, cited in Buchan, D. *Europe: The Strange Superpower*, Dartmouth Publishing, 1993, p.167. With regard to the recent fishery disputes, there are plenty of references, e.g. *Neue Zürcher Zeitung*, 'Wieder Eskalation im "Fischkrieg" Kanada-EU', 28. März 1995, S. 2; J. Read, G. Tremlett & R. Watson, 'No Winners in the Halibut War', *The European*, 17-23 March 1995, p. 2.

<sup>21</sup> For accounts, underlining consistent dominance of nationalism, or at least acknowledging its strength implicitly, see footnotes 9-17; many of these pieces of work *assume* that nationalism remains a dominant cultural and political force, without questioning too much, why it should have continued appeal, given that it is a relatively recent and, arguably, contingent historical event. Yet, a number of authors have attempted to argue, and usually quite convincingly, that the appeal of nationalism is, at least in part, linked to the ease with which territoriality can be conceptualised, especially if contrasted to the much more abstract notion of a-territorial economic, political or cultural interactions, such as espoused for example in Lash & Urry *op.cit.* or in K. Ohmae, *Borderless World*, Collins, 1990. Claims about the ease with which territoriality can be conceptualised have been made by scholars such as Sack *op.cit.*, (a geopolitician), J. Camilleri & J. Falk, *The End of Sovereignty? The Politics of a Shrinking and Fragmenting World*, Edward Elgar, 1992.

exploiting the emotional appeal of nationalism so as to preserve their own privileged positions.<sup>22</sup> However, an admission that national self-interest continues to thrive in the EU need not amount to a full endorsement of intergovernmentalism which is, like neofunctionalism, a one-dimensional approach that fails to capture the intricacies of European integration. For example, intergovernmentalists downplay the supremacy of European law and underestimate the contributions made by supranational policy actors. Furthermore, they emphasise formal integration by state institutions too much, at the expense of informal integration through a variety of channels such as interest representation, economic and technological interdependence, interpersonal communications.<sup>23</sup> Regrettably, many intergovernmentalist discussions fail to concentrate on the *dynamics between* national and international interaction, even if they acknowledge the influence of

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Ruggie is inclined to perceive of the current world in ways similar to Ohmae *op.cit.* and Lash & Urry *op.cit.*: and argues that the "sovereign importance of place is replaced by the sovereign importance of movement", but he also acknowledges that "on reflection though, the reason territoriality is taken for granted is not hard to guess. Samuel Becket put it well in *Endgame*: "You're on earth; there is no cure for that." Unbundled territoriality is not located some place else; but it is becoming another place." {J.G. Ruggie, 'Territoriality and Beyond: Problematising Modernity in International Relations, *International Organization*, 47(1), winter 1993, p.173; *ibid* p.174.} For a vastly overoptimistic, even, naive view on the decline of political nationalism, see notably F. Fukuyama, *The End of History and the Last Man*, Hamish Hamilton, 1992, Chapter on nationalism.

<sup>22</sup> Marxists almost certainly disagree with views such as espoused by Sack *op.cit.* or Camilleri & Falk *op.cit.*, because Marxists regard the manipulation of nationalism by elites as a tool that will help them to preserve their power. It is not the role of this thesis to evaluate this particular stance but it is nonetheless evident that self-preservation is at least one of the objectives of the governments of EU member states and that the nurturing of nationalism is *one part* of their efforts to succeed in self-preservation. Perhaps manipulation is more fruitful because the concept can easily be understood and 'absorbed', and hence, Marxist views and views such as espoused by Sack *op.cit.*, need not necessarily be incompatible; they stress however different points of an argument and have their roots in different perceptions of the world and human nature. This interpretation seems implicit in Rosenberg's statement that "Intergovernmentalism sounds plausible because it articulates commonly held, common sense assumptions about world politics. This is not surprising since it mimics the vocabulary of the state's ruling ideology *par excellence*." J. Rosenberg, 'What's the matter with Realism?', *Review of International Studies*, 16(4), 1990, p.297.

<sup>23</sup> See for example Wallace *op.cit.*, 1990, or, J. M. Gabriel, 'Contemporary Theories', *Worldviews and Theories of International Relations*, St. Martin's, 1994, Ch. 3.



domestic politics on integration. Instead, all their analytical efforts focus on the *outcomes* of encounters between national politicians and diplomats. This limited focus, which has been depicted metaphorically as the “billiard ball scenario” is inadequate because it pays too little attention to the ways in which national politics and international diplomacy affect each other, the nature of the bargaining situation/mechanism and the behaviour of the key players.<sup>24</sup>

As indicated above, Bulmer’s domestic politics model acknowledges the importance of the interface between domestic politics and international exchanges, but not adequately. However, the issue has attracted also some interest among IR specialists who have referred to the focus on the interface between domestic politics and international exchanges as “linkage politics”.<sup>25</sup> The introduction into traditional intergovernmentalist discourse of linkage politics constitutes a crucial refinement since such accounts begin to bridge the traditional gap between political science and IR analysis. Occasionally, political scientists or IR specialists have expressed concern over the mixing of two analytical approaches that have, traditionally, been

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<sup>24</sup> The “billiard ball” metaphor has been used for example by G. Thompson, 'Economic Autonomy and the Advanced Industrial State', in McGrew, A. & Lewis, P.G. (eds.) *op.cit.*, Ch. 10, or by M. Canel, '*Cross-national Links and European Mind*', Paper presented at the IIIrd Conference of the International Society for the Study of European Ideas, Aalborg University, 24-29 August 1992.

<sup>25</sup> See notably, J. Rosenau, 'Toward the Study of National-International Linkages', in Rosenau, J. *Linkage Politics: Essays on the Convergence of National and International Systems*, Free Press, 1969; J. Rosenau, 'Theorizing Across Systems: Linkage Politics Revisited', in Wilkenfeld, J. (ed.) *Conflict Behavior and Linkage Politics*, David McKay, 1973, particularly p. 43. P. Gourevitch, 'The Second Image Reversed: the International Sources of Domestic Politics', *International Organization*, 32(3), 1978, pp.881-911.

Some of the works of P.J. Katzenstein and S. Krasner demonstrate the interaction between international and domestic politics by way of case studies on foreign economic policy. In this context, see notably, P.J. Katzenstein, 'International Relations and Domestic Structures: Foreign Economic Policies of Advanced Industrial States', *International Organization*, 30(4), 1976, pp.1-45; P.J. Katzenstein (ed.), *Between Power and Plenty: Foreign Economic Policies of Advanced Industrial States*, University of Wisconsin Press, 1978. S. Krasner, 'United States Commercial and Monetary Policy: Unravelling the Paradox of External Strength and Internal Weakness', in *ibid.*, pp.51-87. S. Krasner, *Defending the National Interest: Raw Materials Investments and U.S. Foreign Policy*, Princeton University Press, 1978.

kept separate. However, given that the EU displays aspects of an international organisation as well as a domestic political system, there is no doubt as to the appropriateness of this approach in the context of formalised European integration.<sup>26</sup>

The majority of works, that are concerned with linkage politics, are concentrating excessively on the trades off between *aggregated* national interests, thus failing to synthesise the strengths of the domestic politics model with those of discourse on linkage or the effects of multi-level, i.e. national and international, exchanges. However, there is a notable exception to this pattern, namely Putnam's work on diplomacy and domestic politics which emphasised the importance of the reciprocal interaction between domestic politics, the bargaining set-up and international exchanges.<sup>27</sup> Putnam's extensive empirical research on international summits led him to conclude that "neither a purely domestic nor a purely international analysis could account..." for many of the outcomes negotiated on such occasions.<sup>28</sup> His findings inspired him to develop a conceptual framework for understanding the interactive relationship between diplomacy and domestic politics which has a number of merits. In line with advocates of the domestic politics model, Putnam emphasised that it is a grave fallacy to treat the nation states, that engage in international diplomacy, as homogenous entities since the behaviour of national representatives is shaped as much by the dynamics of intricate domestic political forces as by the particular

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<sup>26</sup> See notably Bulmer *op.cit.*, 1983, p.363: "The domestic politics approach... [and similar approaches] ...might be accused of having somewhat mixed intellectual parentage," but also Hix *op.cit.*, 1994; Rosamond *op.cit.*, 1994; B. Axford, '*Multiple Truths and Postmodern Imaginings: New Ways of Reading European Unity*', Paper presented at the IVth International Conference of the Society for the Study of European Ideas, Karl-Franzens-Universität, 22-27 August 1994}, as well as Section 3.6. of the thesis.

<sup>27</sup> R.D. Putnam, 'Diplomacy and Domestic Politics: the Logic of Two-Level Games', *International Organization* 42(3), 1988, pp.427-60.

<sup>28</sup> *ibid.*, p.430.

structural positions and political self-interests of official national representatives. Consequently, negotiators at the international level need to engage in bargaining with national and international actors at the same time.<sup>29</sup> Therefore, international “...negotiations usually require three agreements - one across the table and one on each side of the table”.<sup>30</sup> Putnam coined the phrases “two-level game” and “multi-level games” to describe such interactions. The latter phrase applies if several levels of negotiation are involved, such as regional actors, national actors, European actors, international actors. Inevitably, the complexity of two-level games increases manifold if multi-level games are played, since there are negotiations at each ‘game table’ as well as between each of the tables! Moreover, a change in the negotiated outcome at each table, or between two tables, initiates a major chain reaction across the whole game, so forcing extensive multi-level renegotiations. Such intricate multi-level game situations arose for example during the various GATT negotiation rounds.

Up to this point, Putnam’s contribution amounts to little more than an astute synthesis of the work of certain other scholars.<sup>31</sup> His major conceptual advancement arises from his recognition that “...the constituents’ views may themselves evolve in the course of the negotiations.”<sup>32</sup> Furthermore, Putnam attempted to work out why, in many instances, it is possible to construct negotiated outcomes despite the incredible complexity of multi-level games and the numerous occasions at which negotiations could break down. Drawing upon empirical evidence and common

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<sup>29</sup> *ibid.*, as well as for example, H. Raiffa, *The Art and Science of Negotiation*, Harvard University Press, 1982; J.E. Twiggs, *The Tokyo Round of Multilateral Trade Negotiations: a Case Study in Building Domestic Support for Diplomacy*, Georgetown University Press, 1987.

<sup>30</sup> Former American Secretary of Labour, John Dunlop, as quoted in Raiffa *op.cit.*, p.166.

<sup>31</sup> See most of the references in this Section of Chapter three.

<sup>32</sup> Putnam, *op.cit.*, 1988, p.436.

sense, he concluded that the perceived benefits of staying in the game have to outweigh the factors that facilitate a break down of the game. Moreover, he acknowledged that a positive perception of benefits is far easier to maintain if the negotiations allow for complex trade-offs and extensive cross-issue deals, since this broad approach facilitates flexibility and provides opportunities to satisfy the needs of a large number of individual players. Putnam's findings support the argument in Chapter one that, even if integration was an incidental outcome of setting up a negotiating mechanism to keep national rivalry under control initially, it developed its own internal dynamics that have affected the nature of the mechanism, the shape of international exchanges, the behaviour of key actors as well as the domestic politics of individual member states. Putnam's references to the need for extensive trade-offs and deals is confirmed by empirical material presented later in the thesis.

The notion of multi-level games is important to the analysis of European integration and policy-making. However, it is too narrow to be used on its own, since it says little about issues such as the extent to which established rules of the game and informal transnational exchanges mediate the complex formal bargaining processes between key political and diplomatic players. Some of these points have been addressed elsewhere in IR discourse and the most salient elements of that debate are summarised and analysed briefly in the subsequent sections of this chapter. The following are particularly notable and, hence, are explored in subsequent sections of this chapter.<sup>33</sup>

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<sup>33</sup> Some of the terms that are frequently used in relation to integration and IR discourse must be explained: international, intergovernmental, transgovernmental, transnational, supranational, extra-national. The distinctions made here are synthesised from existing literature, namely from S.P. Huntington, 'Transnational Organizations in World Politics', *World Politics*, 25, April 1973, pp.333-68. R.O. Keohane & J.S. Nye, 'Transgovernmental Relations and International Organizations', *World Politics*, 27(1), pp.39-62. C. Webb, 'Theoretical Perspectives and Problems', in Wallace, H. et al. (eds.) *op.cit.*, Ch. 1. Wallace (ed.) *op.cit.*, 1990; C. Archer, *International Organization*, Routledge, 1992, 2nd edition. Wallace (ed.) *op.cit.*, 1990; C. Archer, *Organizing Europe: the Institutions of Integration*, Edward Arnold, 1994, 2nd edition.

### 3.4. Interdependence

Contrary to intergovernmentalism, but like neofunctionalism, the notion of interdependence has its intellectual roots in philosophical pluralism and proponents of interdependence underline the intricate and dynamic nature of the world; hence, their liking for the networks metaphor. For example, Spiro depicted international exchanges as a series of "...ever more complex, kaleidoscopically shifting networks of interdependence..."<sup>34</sup> Consequently, it is tactically necessary for nation states to engage in a growing number of extensive international and transnational exchanges

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The desire to clarify terminology and to distinguish between terms carries with it a risk of oversimplification but it is nonetheless necessary. The two roots '-national' and '-governmental' can be distinguished as follows: '-governmental' emphasises *formal* interaction, predominantly between government and other state actors, e.g. the military. '-national' implies that there are also many non-governmental, and indeed many informal exchanges between various national actors. The prefix 'inter' means between; it emphasises co-operation between nations/governments so as to achieve common goals but it also underlines the persistence and importance of boundaries. The actors, i.e. governmental and/or other national organisations keep their autonomy and act as individual entities. The United Nations are a classical example of an International Organisation. The prefix 'trans' can be translated with 'across' or 'beyond'. Boundaries between nations and/or governments are therefore crossed so as to achieve one or more common goals. Within the structures formed to achieve these goals, nations/governments no longer act as individual entities but as a goal-focused unit. In other words, common objectives take precedence over national interests; whereas, in the case of internationalism/intergovernmentalism, individual national interests take precedence over common objectives. Transnationalism or transgovernmentalism does however not subsume individual interests or link them in permanent integration, nor does it assume constant harmony among the actors. The World Bank is for example a transnational organisation.

Haas provided a workable definition of the term 'supranational': "A cumulative pattern of accommodation in which the participants refrain from unconditionally vetoing proposals and instead seek to attain agreement by means of upgrading common interests." {E.B. Haas, *Beyond the Nation-State: Functionalism and International Organization*, Stanford University Press, 1964, p.65} Transnational and supranational exchanges are thus dominated by the precedence of common interests but supranational organisations are complex multi-purpose institutions. It is usually argued correctly that, where qualified majority voting applies, decisions in the Council of Ministers are taken on a supranational basis and that, therefore, the EU contained supranational characteristics even though it did not amount to a supranational organisation in its entity.

<sup>34</sup> H.J. Spiro, 'Interdependence: a Third Option Between Sovereignty and Supranational Integration', in Ionescu (ed.) *op.cit.*, p.159.

so as "...to resolve the major problems endemic to the complexity of the post-industrial era."<sup>35</sup> However, these amount more to "...piecemeal [actions than to] Utopian engineering..."<sup>36</sup> Thus, they need not lead to greater integration nor to international harmony.<sup>37</sup> However, occasionally scholars have exaggerated the levels of "concordance" that can be achieved by way of interdependence.<sup>38</sup>

The idea of interdependence highlights several aspects that are useful to integration theorists. The images associated with interdependence symbolise the plurality, complexity and fluidity of exchanges and transcend assumptions that all interactions must have a territorial basis.<sup>39</sup> Unlike neofunctionalists, proponents of interdependence recognise that international relations are fundamentally mediated by self-interest but, contrary to intergovernmentalists, they concede that interactions can, under certain circumstances, nonetheless develop beyond basic conflict containment. Hence, they do not rule out lasting integration ensuing from utilitarian interaction. Given this resistance to deterministic perceptions of international exchanges, interdependence is a useful analytical tool, but it is far too general and underdeveloped to constitute a working theory in its own right. Also, discourse on

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<sup>35</sup> J.N. Rosenau, 'The State in an Era of Cascading Politics: Wavering Concept, Widening Competence, Withering Colossus, or Weathering Change?', *Comparative Political Studies*, 21(1), 1988, p.13.

<sup>36</sup> Karl Popper quoted in R. Dahrendorf, *Reflections on the Revolution in Europe*, Chatto & Windus, 1990, p.151.

<sup>37</sup> See for example, Gabriel's discussion on Norman Angell who became one of the earliest proponents of interdependence but who did not link the concept to integration. {J.M. Gabriel *op.cit.*, pp.65-71.} See also, R.O. Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy*, Princeton University Press, 1984, or Thompson *op.cit.*

<sup>38</sup> See particularly D.J. Puchala, 'Of Blind Men, Elephants and International Integration', *Journal of Common Market Studies*, 10(3), 1972, pp.267-84: "I will hypothesize that...contemporary international integration can best be thought of as a set of processes that produce and sustain a concordance system at the international level." (*ibid*, p.257.)

<sup>39</sup> See footnote 18.

interdependence failed to take full advantage of the strengths of domestic and linkage politics and multi-level game models. Hence, "...the role of domestic factors slipped more and more out of focus..." from the interdependence debate, so weakening its intrinsic analytical potential.<sup>40</sup>

### 3.5. International Political Economy

During the past few decades a marked internationalisation of finance, trade, investment and economic policy-making has taken place.<sup>41</sup> This development has undermined the autonomy of national governments, thereby sometimes causing severe tension between economic and political considerations:

"Modern money-transmission facilities have made it increasingly difficult, for example, for governments to impose and maintain exchange controls, and these have been gradually discontinued. Similarly, all-day trading on the foreign-exchange market has largely prevented governments from manipulating the values of their currencies against the forces of supply and demand. Inflation, too, cannot be brought under control simply by domestic action: international forces cannot be ignored in today's more open environment. Political developments have not always matched the changes in the economic climate."<sup>42</sup>

"Even if the international economy is not disturbed by exceptional and unpredictable events, and it quite often is, contemporary domestic governments have limited room for manoeuvre in response to international developments."<sup>43</sup>

"National governments are increasingly unable to control cross-border flows generated by these transnational practices. Because of global interdependence there is a decrease in the effectiveness of policy instruments which would enable states to control activities which occur within their borders."<sup>44</sup>

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<sup>40</sup> Putnam *op.cit.*, p.431.

<sup>41</sup> See for example, D. Wright & W. Valentine, *Business of Banking*, Northcote House, 1988, 2nd edition; M. Allen, *The Times Guide to International Finance*, Times Books, 1991; W. Grant, 'Economic Policy in a Global Economy', *The Politics of Economic Policy*, Harvester Wheatsheaf, 1993, Ch. 8.

<sup>42</sup> Allen *ibid.*, p.1.

<sup>43</sup> Grant *op.cit.*, 1993, pp. 114-5.

<sup>44</sup> Lash & Urry *op.cit.*, p.280.

In view of these developments, some commentators have emphasised the primacy of economics, thus moving away from focusing on the political dynamics of international negotiations.<sup>45</sup> Within this context, two radically different schools of thought exist.<sup>46</sup> Neo-Marxists regard capitalist economic relations as endemically conflict-ridden and, hence, as unstable (at least in the long term) and harmful. In their view, post-war economic interdependence has evolved because capitalism requires ever larger markets. As a result, competition and conflict intensify, especially between the richer and poorer regions of the world. This development threatens global stability.<sup>47</sup>

Most neo-Marxist deliberations on international relations have been concerned with global developments and not with European integration in particular, probably

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<sup>45</sup> For a confirmation and discussions of this point, see for example appropriate chapters in P. Dunleavy & B. O'Leary, *Theories of the State: the Politics of Liberal Democracy*, Macmillan, 1987; R. Gilpin, *The Political Economy of International Relations*, Princeton University Press, 1987. {Gilpin discussed the role of international political economy at length but remains - in the words of Rosamond - "an adaptive Realist"; Rosamond *op.cit.*; p.117n.}; E.B. Kapstein, *The Political Economy of National Security: a Global Perspective*, McGraw-Hill, 1992, pp.180-202; R. Tooze, 'Conceptualizing the Global Economy', in McGrew, A.G. & Lewis, P.G. et al. (eds.) *Global Politics*, Polity, 1992, Ch. 12.

<sup>46</sup> Dunleavy & O'Leary *op.cit.*; J. Edelman Spero, *The Politics of International Economic Relations*, St. Martin's Press, 1990, 4th edition.

<sup>47</sup> See for example H. Williams, 'Marx: the Collapse of International Capitalism', in Williams, H. *International Relations in Political Theory*, Open University Press, 1992, Ch. 11, for a brief summary on Marx's predictions on the inherent instability of international capitalism. For (neo-) Marxist interpretations of international capitalism, see for example J. O'Connor, 'The Meaning of Economic Imperialism', in Rhodes, R.I. (ed.) *Imperialism and Underdevelopment: a Reader*, (Monthly) Review Press, 1970, pp.101-50; O. Sunkel and E.F. Fuenzalida, 'Transnationalism and its National Consequences', in Villamil, J.J. (ed.) *Transnational Capitalism and National Development: New Perspectives on Dependence*, Harvester, 1979, pp.67-93. Sunkel and Fuenzalida argued that transnational organisations "...appropriate most of the surplus produced by them..." (p.67), thereby creating a transnational hegemony with its own culture and draining resources in the co-existent nation state system. This makes for potential conflict between national and transnational forces. For a re-evaluated, moderate neo-Marxist view on the relationship between international finance and conflict, see for example, F. Block, 'Marxist Theories of the State in World Systems Analysis', in Kaplan, B.H. *Social Change in the Capitalist World Economy*, Sage, 1978, pp.27-37.



because the latter is regarded as a reaction to global pressures which have created a need for larger markets and 'economies of scale'.<sup>48</sup> The development of structural funds and the elaboration of the concept of economic and social cohesion as espoused in the TEU are regarded as embellishments that fail to tackle the intrinsic division in capitalism. On the contrary, European integration is seen to have reinforced this division by creating novel ways of capitalist accumulation and dominance. Moves towards closer political and security co-operation are seen as functions of economic developments, not as autonomous ventures.<sup>49</sup>

Marxism and its offshoots constitute a complex tradition of thought that cannot be examined fully within the scope of this thesis but one comment is necessary. Superficially, the neo-Marxist interpretation of European integration is not untenable, given that the EC was founded to create economic wealth. Later chapters will provide some evidence for the dominant role that economic interests play in some areas of EU policy-making. Yet, economic power is never the only

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<sup>48</sup> See for example, C. Lankowski, *Germany and the European Communities: Anatomy of a Hegemonial Relation*, PhD Thesis, 1982. {This work is referred to in Hix *op.cit.*, 1994} C. Lankowski (ed ), *Germany and the EC After the Cold War: Hegemony and Containment*, St. Martin's Press, 1993; Allen, *op.cit.* This point is also implicit in Rosenau's Globalisation Theory since he argued that transnational economic regimes led to new and greater political structures so as to cope with the transnationalisation of economics. {J. Rosenau, *Turbulence in World Politics*, Princeton University Press, 1990.}

<sup>49</sup> See for example, I. Wallerstein, 'European Unity and its Implications for the Interstate System', Ch. 4 in *Geopolitics and Geoculture*, Cambridge University Press, 1991, as well as, A. Callinicos, 'Crisis and Class Struggle in Europe Today'. *International Socialism*, No. 63, Summer 1994, pp.3-48.

determinant of European integration; politics, ideas, cleavages other than class cleavages, all matter greatly in all policy processes.<sup>50</sup> Neo-Marxists have acknowledged this fact and rejected vulgar economism. However, they have, on the whole, still overstated the power and instability of economic determinants and, hence, failed to provide a suitable explanation for European integration.<sup>51</sup>

Like neo-Marxists, neo-liberals<sup>52</sup> underline the importance of global economic developments and place European integration firmly within this broader framework. However, because of the potential for efficiency gains, they approve of *economic* European integration but reject unnecessary interventionism and political

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<sup>50</sup> For a much more balanced discussion on the relationship between economics and politics, see for example, Edelman Spero *op.cit.*, or, P. Resnick *op.cit.* These authors reject the unbalanced Realist and "Economist" views of exchanges. Edelman Spero argued in particular for an end to the intellectual and academic liberal tradition of separating the two spheres so as to adjust theory more to practice: "Thus, in order for theory and analysis to maintain touch with reality, it has become necessary to bridge the gap between economics and politics, to explore the interface between economics and politics in the international system." *ibid.* p.3. Resnick also argued for an interactive approach and emphasised in particular the continued relevance of political and legal concepts, e.g. sovereignty. His views certainly reflect current debates in the EU, e.g. on EMU, be they based on mythical or genuine understandings of concepts such as sovereignty.

<sup>51</sup> See for example, Wallerstein *op.cit.* who argued, like many Realists or quasi-Realists, but from a different philosophical point of departure (Wallerstein's philosophical premises are more akin to neo-Marxism.), that Europe and European integration would come under great strain, particularly if the Cold War bipolarity were to be replaced by a less clear-cut pattern. His pessimism has so far not been justified, even though there are areas of instability around the world.

<sup>52</sup> The term neo-liberal is used broadly here and includes all those who believe in, and favour, a separation of the political and economic spheres, with economic rationality ultimately taking precedence over political rationality {See Busch *op.cit.*, for a discussion of the differences between economic and political rationality.} For further discussions and explanations on the concept of neo-liberalism and related concepts, e.g. rational choice, see for example, S. Hall, 'Variants of Liberalism', in Donald, J. & Hall, S. (eds.) *Politics and Ideology*, Open University Press, 1986, Ch. 2; Dunleavy & O'Leary *op.cit.*; and, in particular, P. Dunleavy, *Democracy, Bureaucracy and Public Choice*, Harvester Wheatsheaf, 1991, which is an extensive and lucid discussion on the concept of public (or rational) choice and its relationship to the classical liberal tradition of thought.

integration.<sup>53</sup> Although neo-liberalism is currently a strong ideological force both world-wide and inside the European Union, it is also unsuitable as an explanatory tool for European integration since it overemphasises the powers of economic self-interest and underestimates the mediating influences of ideas and politics.<sup>54</sup> Many theoretical manifestations of neo-liberalism, such as some endorsements of the rational choice model, also grossly oversimplify the concept of economic self-interest.<sup>55</sup> They particularly ignore the difficult relationship between individual and collective self-interest, assuming that the latter will automatically be an aggregation of the former. This flawed assumption is probably based on the neo-liberal view that collective social entities are essentially nothing more than clusters of individuals. In addition, they fail to recognise that the latter can be mellowed by empathy and altruism.

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<sup>53</sup> For references to early signs of 'efficiency gains', see Aldcroft, *op.cit.* For study forecasts on efficiency gains with regard to the SEA, see notably, T. Padoa-Schioppa (ed.), *Efficiency, Stability and Equity: a Strategy for the Evolution of the Economic System of the European Community*, Oxford University Press, 1987, and, M. Emerson et al., *The Economics of 1992*, Oxford University Press, 1988, and, Cecchini et al. *op.cit.* Undoubtedly, these forecasts exaggerated the efficiency gains of the SEA but, there is equally little doubt that some efficiency gains have been achieved through the creation of a nearly complete internal market. The belief in such efficiency gains helps to explain why 'neo-liberal Eurosceptics', such as Lady Thatcher approved of the single market project {See S. George, 'The Policy of the British State', in *Britain and European Integration since 1945*, Blackwell, 1991, Ch. 2, or, Grant *op.cit.*, 1993, for confirmation on this point.} For (equally dubious) forecasts on efficiency gains, following full Economic and Monetary Union, see. e.g. Emerson & Huhne *op.cit.*, or, M. Artis, 'The Maastricht Road to Monetary Union', *Journal of Common Market Studies*, 30(2), 1992, pp.299-309.

<sup>54</sup> See for example, the discussions on this topic in Chapter two, including appropriate references as well as e.g. Anderson *op.cit.*, 1996.

<sup>55</sup> G. Tullock, *The Vote Motive: an Essay on the Economics of Politics, with Applications to the British Economy*, London: Institute of Economic Affairs Publications, 1976, p.5. "Voters and customers are essentially the same people" and act similarly "...in the supermarket and in the voting booth." This remark exemplifies crude rational choice endorsements, albeit in a somewhat different context to the one discussed here.

### 3.6. International Regimes and Neo-Institutionalism<sup>56</sup>

A number of well known scholars of international relations with Realist leanings and/or origins have attempted to explain the relative stability of international exchanges, using the concept of international regimes. International "regimes" were first conceptualised by Ruggie and thereafter amended and developed mainly, but not exclusively, by Krasner, Keohane and Young.<sup>57</sup> According to Krasner regimes are "sets of implicit or explicit principles, norms, rules and decision-making procedures around which actors' expectations converge in a given issue area".<sup>58</sup> Thus, regimes are very much concerned with the emergence of cultural scripts that prescribe and proscribe actors' behaviour in the international sphere. In that sense, "regimes provide a substitute for a world government."<sup>59</sup> Regimes have also been called "issue specific institutions", since institutions are "...that which is established, or constituted in society".<sup>60</sup> Thus, institutionalism in general refers to a belief in the

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<sup>56</sup> Attinà was one of the first analysts to use the term "neo-institutionalism" with regard to certain recent attempts to conceptualise European integration within the broad framework of the Realist school of thought. {F. Attinà, *Il Sistema Politico della Comunità Europea*, Giuffrè, 1992.} Neo-institutionalism refers to recent re-evaluations of the institutionalist debate, especially in the context of European integration.

<sup>57</sup> J.G. Ruggie, 'International Responses to Technology: Concepts and trends', *International Organization*, 29(1), 1973, pp.557-83; S.D. Krasner (ed.), *International Regimes*, Cornell University Press, 1983; Keohane *op.cit.*, 1984; O. Young, 'International Regimes: Toward a New Theory of Institutions', *World Politics*, 39, October 1986, pp.104-22. Further discussions on international regimes can be found in a special issue of *International Organization*, also: 36(2), spring 1982.

<sup>58</sup> Krasner *op.cit.*, 1983, p.1.

<sup>59</sup> J. Vogler, 'Regimes and the Global Commons', in McGrew, A.G. & Lewis, P.G. et al. *op.cit.*, Ch. 6, p.131.

lasting and mediating power of historically evolved rules, norms and values into which successive generations are socialised by the communities in which they live. These 'cultural scripts' restrict free wheeling bargaining, thus providing a framework within which stable exchanges can arise, despite the chaotic elements of human nature, including the prevalence of political self-interest and rivalry:

"Historical developments are path dependent; once certain options are made, they constrain future possibilities. The range of options available to policy makers at any given point in time is a function of institutional capabilities that were put in place at some earlier period, possibly in response to very different pressures."<sup>61</sup>

"International regimes shape interstate politics by providing a common framework that reduces the uncertainty and transaction costs of interstate interactions. In the post-war system, Keohane argues, *regimes have preserved established patterns of cooperation* after the relative decline of the United States."<sup>62</sup>

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<sup>60</sup> See for example, Krasner *op.cit.*, 1983; Keohane *op.cit.*, 1984; L. Cornett & J. Caporaso, "And still it moves!" State Interests and Social Forces in the European Community', in Rosenau, J. & Cziempel, E-O. (eds.) *Governance Without Government: Order and Change in World Politics*, Cambridge University Press, 1992.

<sup>61</sup> S.D. Krasner, 'Sovereignty: An Institutional Perspective', *Comparative Political Studies*, 21(1), April 1988, pp.66-94. This view evidently attributes great power to social conditioning and the institutionalisation of social processes. Social change becomes thus limited and difficult to achieve. This interpretation owes much to the thought of one of the best known socio-anthropologists, i.e. Clifford Geertz. (See for example, Keohane *op.cit.*, 1984, and D. Strang, *op.cit.* for confirmation of this point.) This interpretation of social change has since justifiably, if sometimes excessively, been challenged, e.g. by structuration theory or post-modernism (see below).

<sup>62</sup> A. Moravcsik, 'Negotiating the Single European Act', in Keohane & Hoffmann, *op.cit.*, 1991, Ch. 2, p.48. (reprint of Moravcsik *op.cit.*, 1991). Moravcsik is referring to Keohane's reasoning on international regimes, especially as espoused in Keohane *op.cit.*, 1984, pp.61-4, and R.O. Keohane (ed.), *Neo-Realism and its Critics*, Columbia University Press, 1986, pp.192-5. Keohane referred to his deliberations as "modified structural realism". Moravcsik basically approves of the approach and its underlying assumptions and does not challenge the strong belief in institutionalisation. So he, too, underestimates the potential for actor-centred change. He argues however correctly, that institutionalism is in any case insufficient for the study of the EU because it does not take domestic politics into account, thus treating states like "black boxes". A combination of institutionalism and 'domestic politics', with a light dose of neo-liberalism is, in his view, the best conceptual framework for analysing the nature of the EU. (As stated earlier, he flirted more than other institutionalists with neo-liberalism.)

Regrettably, writers such as Keohane emphasise the power of cultural conditioning to such an extent that it is hard to see how social and political change can come about, whatever the extent of international bargaining. In respect of European integration, such conservative institutionalist analyses differ ultimately hardly from intergovernmentalist explanations, even though the assumptions on which analysis is based are distinct, because institutionalists regard the nation state as the dominant modern European institution.

Recently, 'neo-institutionalists' have developed some more useful and less conservative institutionalist explanations for European integration. In particular, Moravcsik's work made a significant contribution to the search for a suitable conceptual framework for the analysis of European integration.<sup>63</sup> Moravcsik took account of the role of 'domestic politics' and, to a lesser extent, linkage politics. Furthermore, he accepted that non political and non cultural forces could mediate international exchanges. In this respect he had been influenced particularly by the assumptions of neo-liberal international political economists. Thus, Moravcsik abandoned some of the marked weaknesses of one dimensional conceptual approaches such as classical neofunctionalism or intergovernmentalism.

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<sup>63</sup> Moravcsik *op.cit.*, as well as, A. Moravcsik, 'Preferences and Power in the European Community: a Liberal Intergovernmental Approach', *Journal of Common Market Studies*, 31(4), 1993, pp.473-524.

Moravcsik also rejected excessive cultural determinism and accepted the possibility of slow cultural and rule change.<sup>64</sup> Hence, his analyses provided at least partial explanations for the constitutive changes that have taken place in respect of European integration.<sup>65</sup> Nevertheless, progress was limited in this respect and Moravcsik continued to underestimate the extent to which actor-driven change could mediate cultural institutionalism and, hence, overstated the predominance of national self-interest at the expense of those integrating forces that have led to some, albeit limited, constitutive rule changes in the EU.<sup>66</sup>

The criticism directed towards institutionalists implies that the emphasis on "the sticky nature of change" cannot explain constitutive rule changes satisfactorily since the latter are brought about "...by human decisions and actions".<sup>67</sup> On the other hand, bargaining theories tend to underline actor autonomy excessively. Consequently, it is necessary to apply a more sophisticated notion of change that is neither too "...strong on action, but weak on structure..." nor too "...strong on structure, but weak on action..."<sup>68</sup> This view was elaborated by Giddens who developed structuration theory which is an attempt to overcome the duality between

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<sup>64</sup> This interpretation is indirectly confirmed by Gabriel *op.cit.* and Navari who both emphasise the influence of neo-liberal and rational choice thinking on Krasner and Keohane and other proponents of regime theory and institutionalism, e.g. Moravcsik. (C. Navari, 'On the Withering of the State, in Navari, C. (ed.), *The Condition of States*, Open University Press, 1991, Ch. 8.

<sup>65</sup> See Chapter two and later parts of Chapter three.

<sup>66</sup> Support for this view can be found, for example, in Hix *op.cit.*, 1994, and D. Strang, 'Anomaly and Commonplace in European Political Expansion: Realist and Institutional Accounts', *International Organization*, 45(2), spring 1991, pp.143-62.

<sup>67</sup> Maull *op.cit.*, p.153. This argument is supported widely elsewhere, e.g. *ibid*; Wallace *op.cit.*, 1990; Axford *op.cit.*, or, B.G. Peters, 'Bureaucratic Politics and the Institutions of the European Community', in Sbragia *op.cit.*, Ch. 3.

<sup>68</sup> A. Giddens, *New Rules of Sociological Method*, Polity, 1993, 2nd edition, p.4.

action and structure.<sup>69</sup> Unlike institutionalists, Giddens refutes the marked distinction between subjects (actors) and objects (structures) that is at the heart of the institutionalist debate. However, equally he rejects the post-modern claim that cultural scripts are simply subjective projections of self-identity by individual human actors.<sup>70</sup> He argues that these scripts have an objectivity as far as actors are concerned but, at the same time, this objectivity is rooted in the diversity of a differentiated and reproductive social environment. Hence, "activity is structured while it at the same time reproduces or transforms the configurations of social life".<sup>71</sup> Subjects and objects remain thus distinct entities but reconstruct one another partially. Consequently, rules of the game are neither static, nor necessarily interpreted in the same way by everybody, nor always adhered to.

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<sup>69</sup> See A. Giddens, *The Constitution of Society. Outline of the Theory of Structuration*, Polity, 1984; A. Giddens, *The Consequences of Modernity*, Polity, 1990; Giddens *op.cit.* Evidently, Giddens did not develop his theory in a conceptual vacuum. He drew on existing sociological and philosophical traditions but his special contribution lies in his acute understanding of these traditions and in his ability to select and eventually synthesise many of the most valuable aspects of these traditions. In the mean time, other scholars have added to the structurationist debate. See for example, P. Cerny, *The Changing Architecture of Politics. Structure, Agency and the Future of the State*, Sage, 1990, or, J.A. Scholte, *International Relations of Social Change*, Open University Press, 1993.

<sup>70</sup> There have recently been some attempts to conceptualise European integration in post-modern terms. See for example Axford *op.cit.*; A. Heller & F. Feher, 'Europe: An Epilogue?', in *The Postmodern Political Condition*, Polity Press, 1991, 2nd edition, pp.146-60; C. Mouffe, *The Return of the Political*, Verso, 1993; C. Bayard, 'A Postmodern Reading of European Identities and Politics: a Provisional Cartography of Europe and Postmodernity', Paper presented at the IVth Conference of the International Society for the Study of European Ideas, Karl-Franzens Universität, 22-27 August 1994. Post-modernism usefully challenges philosophical essentialism and underlines the importance of change, fluidity and the projection of subjective self-interpretation onto 'autonomous objects'. However, its outright rejection of 'metanarratives' and structures seems inappropriate with regard to the European Union, given the evidence produced in Chapter two. Post-modernism goes too far in its attempts to rectify the complacency of excessive philosophical determinism. For these reasons, it is not discussed at length in this thesis. Instead, some space is allocated to Giddens' more relevant deliberations on the phenomenon of social change. For a path-breaking debate and critique of post-modern thought, see for example, D. Harvey, *The Condition of Postmodernity*, Basil Blackwell, 1990.

<sup>71</sup> Scholte *op.cit.*, p.128.



Giddens theory is important because it promotes the notion of mutual mediation and goes a long way towards explaining both change and continuity in social life. It also explains that there are a variety of interpretations regarding each social phenomenon and, consequently a number of preferences about how it should be shaped. The diversity is a result of varied social conditioning which, according to Giddens, leads to a plurality of 'aggregated collective objectivities'. This particular interpretation of the plurality of social phenomena captures the differentiated nature of the EU, as outlined in the previous chapter and explains why, to some extent, "European union is in the eye of the beholders".<sup>72</sup> Consequently, the main facets of structuration theory are a useful basis for the analysis of European integration but they are general conceptualisations, which are neither detailed nor Euro-specific enough to form the basis of a satisfactory conceptual framework for the analysis of European integration in themselves. Yet, it is imperative to take account of Giddens deliberations on the relationship between structures and agents when developing a specific analytical framework for European integration.

### 3.7. Federation or Confederation?

Integration theories derived from International Relations discourse fail to analyse adequately the nature of European integration and the EU, even though they make useful contributions. Consequently, some analysts have drawn on material from the field of comparative politics and notably on federalist discourse, given the immediate post-war history of European integration and the ambitions of men like Jean Monnet. In this context, two distinctions are necessary. First, it is possible to assess the extent to which the European Union presently displays the characteristics that are usually associated with federal states or, alternatively, with confederations.

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<sup>72</sup> H. Young, 'European union is in the Eye of the Beholders', *The Guardian*, 2 November 1993, p.18.

Second, it is useful to examine if European integration is a federalising process.<sup>73</sup> Neither of these extensive debates are fully explored in the thesis since there is no scope to do so. Furthermore, federalism and confederalism can at best partially explain the nature of European integration and the EU. However, they carry sufficient weight to merit some attention.

Walter Bagehot argued that "federal government was rare because its prerequisites were many."<sup>74</sup> What are these prerequisites? Commentators on federations fail to agree but there are certain facets that are frequently mentioned in writings on federalism. In particular, federations are made up of several vertical levels of government whose relationship is clarified in a constitution or treaty.<sup>75</sup> Usually, these treaties do not contain opt-out clauses such as Article 240 in the EEC Treaty of Rome. In cases of dispute, constitutional courts rule on the constitutionality of a particular matter and have thus tended to be important actors in federal systems, particularly shortly after their establishment and in periods of political conflict or vacuum. Sovereignty in federations may legally still rest in a single location - for example with the people - but it has been delegated to representative government in

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<sup>73</sup> Federalism is a many-sided concept. It can describe a particular form of government in a federal state. Federalism can also refer to a set of normative values that promotes the establishment of federal states and federalism as a form of government. For example, the European Movement that was founded in 1948 argues in favour of a federal states of Europe. Finally federalism can encapsulate a process of integration that contains dynamic forces pushing for the establishment of a federal state. In this context federalism becomes an analytical tool and that is how it will be used here when examining European integration as a federalising process. General and Euro-specific literature confirms the multiple uses of the concept. For general discussions, see for example, K.C. Wheare, *Federal Government*, Oxford University Press, 1953, 3rd edition; P. King, *Federalism and Federation*, Croom Helm, 1982; J.N. Rakove, *The First Phase of American Federalism*, in Tushnet, M. (ed.) *Comparative Constitutional Federalism: Europe and America*, Greenwood Press, 1990, Ch. 1; M. Burgess (ed.), *Federalism and Federation in Western Europe*, Croom Helm, 1986. For Euro-specific discussions, see for example, Forsyth *op.cit.*; Pinder, J., *European Community: the Building of a Union*, Oxford University Press, 1991; Archer & Butler *op.cit.*; Sbragia *op.cit.*, 1992 (both references); Nugent *op.cit.*, 1994.

<sup>74</sup> W. Bagehot, *English Constitution*, quoted in Wheare *op.cit.*, p.35.

<sup>75</sup> Federalism and federation derive from the Latin word 'foedus', i.e. 'treaty'.

a divided form. Each level of government needs to have sufficient independent economic resources to be able to execute its tasks. The majority of writers on federalism are adamant that a federation needs to have an assembly, democratic institutions and a common citizenship.<sup>76</sup> Individual commentators also mention other prerequisites which would promote a definite sense of 'commonness'. For example, an article in the *Economist* included a single foreign policy, a single military establishment and a single intelligence service.<sup>77</sup> Lord Mackenzie-Stuart claimed that a single currency was also a prerequisite to a true federation.<sup>78</sup>

It is evident from these considerations that the European Union falls well short of being a federation, even though it shows some federal characteristics. "If the EC is not yet federalist, more than intergovernmentalist and only partially responding to neo-functionalist theories, is there another label that fits it? One answer could be that of 'confederal',..."<sup>79</sup> Archer and Butler approved of this interpretation, because of the mix of federal and non-federal traits in the EU but regarded the label as rather unrefined.<sup>80</sup>

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<sup>76</sup> See for example, Forsyth *op.cit.*, or, M. Tushnet, 'Conclusion', in Tushnet, M. (ed.) *op.cit.*, pp.139-51, or, B. Laffan, *Integration and Co-operation in Europe*, Routledge, 1992.

<sup>77</sup> *The Economist*, 'Playing as One?', 320 (9913), 29 June 1991, pp.9-10.

<sup>78</sup> Lord Mackenzie-Stuart, 'Foreword', in Tushnet *op.cit.*

<sup>79</sup> Archer & Butler *op.cit.*, p.191

<sup>80</sup> *ibid.* Archer & Butler were by no means the only ones that considered the notion of 'confederation' broadly compatible with the EC/EU. See for example, J. Lodge, 'Preface: The Challenge of the Future', in Lodge *op.cit.*, 1993; P. Hirst *op.cit.*

Their conclusion is not unreasonable, given that

"the distinction between a confederation and a federation lies in the degree of sovereignty surrendered. In a confederation the participating states accept the collective discharge of limited functions while maintaining a high degree of autonomy and sovereignty, whereas in a federation there is one sovereign state, and the locus of external sovereignty is at the higher level."<sup>81</sup>

However, in view of the curious situation with regard to sovereignty in the EU on the one hand, and strong legal integration on the other hand, coupled with qualified majority voting in some policy areas, the classical definition of confederations as "Staatenbündnisse" (as opposed to Bundesstaaten) is still a poor fit with regard to the EU.<sup>82</sup> The situation would remain unsatisfactory, even if the EU was labelled a hybrid, not least because both concepts are strongly tied up with territorial notions of political exchanges, dominated by formal political and legal actors. As seen earlier, the EU possesses non-territorial and non-formal characteristics. Furthermore, the current distribution of policy responsibilities in the EU is without historical precedent in another confederation or federation, mainly because of gradual sectoral integration as advocated in functionalist theory. The application of subsidiarity may however reverse this trend to some extent. Furthermore, the decentralising thrust of subsidiarity may eventually foster a European, as opposed to a Madisonian conceptualisation of federalism. A number of commentators highlighted the conceptual and political distinction between dominant American and European federalism. The former bears the legacy of James Madison's fear of factionalism, and has therefore had strong centralising tendencies, whereas the latter

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<sup>81</sup> Laffan *op.cit.*, pp. 7-8.

<sup>82</sup> For a definition of a 'Staatenbund' or 'Union of States' see for example Forsyth *op.cit.*, p.2: A Staatenbund is a "...process by which a number of separate states raise themselves by contract to the threshold of being a state...". See also Scruton *op.cit.* on the difference between a Staatenbund (plural: Staatenbündnisse) and a Bundesstaat. These two German terms usefully exemplify the difference between a confederation and a federation.

emphasises decentralisation and is fully compatible with the catholic interpretation of subsidiarity.<sup>83</sup>

Like most of the IR approaches discussed earlier, federalism as an analytical tool, explaining integration, suffers from excessive determinism, even though it emphasises the political nature of integration. As with functionalism and institutionalism, too much faith is put in a set of structures. It is undeniable that there are certain structural pressures within the Community that assist those who wish to create a federal United States of Europe. For example, it is frequently argued that in cases such as the United States of America or Switzerland, federalism offered a workable solution for the accommodation of diversity within unity. Consequently, a similar development is thought to strengthen the EU's global position, without undermining social heterogeneity, particularly in view of Article 3b of the TEU on subsidiarity. Creating a federal structure resembling those of existing federations is also frequently advocated as a solution to the democratic deficit of the EU. The federal thrust of the EU's emerging jurisprudence is often seen as a solution to disputes.<sup>84</sup> These are correctly identified as pressures for a federal solution but, in order to come to fruition, they need to be coupled with the political will of actors.<sup>85</sup> So far they have not proven strong enough, hence, the final omission of the term 'federal' in the TEU, despite its inclusion in some of the draft Treaties. Even if one

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<sup>83</sup> Burgess *op.cit.*; Peters *op.cit.* and R. D'Amico & P. Piccone, 'The Future of Federalism', *Telos*, 91(1), 1992, pp.3-15 all highlighted this important distinction; for references to subsidiarity, see Chapter two.

<sup>84</sup> See for example, J. Pinder, *The Federal Case*, Publications of the European Movement, 1991, or, P. Luff, *The Simple Guide to Maastricht*, European Movement Publications, 1992, p.58. {P. Luff is the director of the pro-federal European Movement.}, or, A. Duff, 'Building a Parliamentary Europe', *Government & Opposition*, 29(2), 1994, pp.147-65.

<sup>85</sup> This point of view is widely confirmed elsewhere, e.g. Wheare *op.cit.*; Forsyth *op.cit.*; F.H. Hinsley, 'The European Community: a Body-Politic or an Association of States?', *The World Today*, January 1989, pp.1-3.

allows for federalisation by steps - which is a relatively recent conceptual 'innovation', sometimes referred to as neo-federalism<sup>86</sup> - there is no guarantee that the structural pressures in the EU will ever facilitate a full federation.<sup>87</sup> Indeed, this scenario is extremely unlikely, given that there are equally structures that hinder federalisation, notably the Council of Ministers, the bureaucratic aspects of European integration, the elitist elements of integration.<sup>88</sup>

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<sup>86</sup> See for example, Laffan *op.cit.*, Sbragia *op.cit.*, 1992, Ch. 8.

<sup>87</sup> Sbragia, *ibid.*, argued that this conclusion could be challenged because there was no blueprint for an EU federation. Using Daniel Elazar's view that "the essence of federalism is not to be found in a particular set of institutions but in the institutionalisation of particular relationships among the participants of political life", she pleaded for an innovative and flexible interpretation of federalism in respect of the EU. Given the EU's innovative structural arrangements, this plea is not unreasonable but it is carried too far in her deliberations. Elazar's definition equates nearly any form of political institutionalisation with federalism which is not very constructive since it undermines any specificity associated with federalism. {D. Elazar, *Exploring Federalism*, University of Alabama Press, 1987, pp.11-2.}

<sup>88</sup> Some commentators have argued that, given the endemic elitism in the EU, it would be most appropriate to regard the EU as a consociation, after Lijphart. {See for example, P. Taylor, 'Consociationalism and Federalism as Approaches to International Integration', in P. Taylor & A.J.R. Groom (eds.) *Frameworks for International Co-operation*, pp. 172-84, or, D.N. Chrysoschoou, 'Democracy and Symbiosis in the European Union: Towards a Confederal Consociation?', *West European Politics*, 17(4), October 1994, pp.1-14.}. Undoubtedly, elite bargaining is an integral aspect of European integration, but the notion of Consociationalism makes assumptions of concordant bargaining that are not met with regard to the EU, despite a broad commitment to seek consensus, if possible. Consociationalism also underestimates structural constraints as well as the role of private interests, bureaucratic, etc. Furthermore, there are too many normative and prescriptive undercurrents in this concept! The last point is implicit in the following Review Article: J. Steiner, 'Consociational Democracy as a Policy Recommendation: the Case of South Africa', *Comparative Politics*, 19(3), April 1987, pp.361-78. For the conceptualisation of Consociationalism, see notably A. Lijphart, 'Consociational Democracy', *World Politics*, 21(2), January 1969, pp.207-25; A Lijphart, 'Consociational Theory: Problems and Prospects', *Comparative Politics*, April 1981, pp.255-60. For an elaborate critique of Lijphart's works on Consociationalism, see for example S.M. Halpern, 'The Disorderly Universe of Consociational Democracy', *West European Politics*, 9(2), April 1986, pp.181-97, or, P. du Tort, 'Consociational Democracy and Bargaining Powers', *Comparative Politics*, 19(4), July 1987, pp.419-30 who sought to produce a more sophisticated explanation for bargaining outcomes, based on the idea of convergence of bargaining tactics. Thus, his article is both a critique and a refinement of consociational ideas.

### 3.8. Conclusion

None of the classic integration ‘theories’, based on IR or comparative politics, is an adequate analytical tool to conceptualise the nature of the EU and of European integration in its own right. Yet, these ‘theories’ have provided important foundations for more constructive conceptual syntheses such as those developed by Putnam or Moravcsik. Arguably, efforts of that kind can be refined further by relying on intellectual input from other social sciences. In particular, structuration theory has provided a valuable basis for more balanced discourse on the relationship between structures and agents and the ways in which this relationship mediates domestic as well as international bargaining situations. Such conceptualisations go a long way in explaining the nature of post-war Europe, especially if they are concerned particularly with the EU and based on empirical evidence, such as is the case with Moravcsik’s work. However, such contributions tend to concentrate on certain key stages of development, like the negotiations for the SEA and the TEU. Undeniably, this focus is justified but it does not ‘tell the whole story’ because it is concerned too much with high profile interactions and, consequently, too little with the day to day management of EU politics. Yet, the latter also shapes the nature of the EU and of European integration. Neither IR nor comparative politics approaches are suitable to analyse the day to day management of the EU, since they revolve too much around formal political institutions and intermittent, key bargaining situations. Consequently, it is necessary to take recourse to the analytical tools developed within the field of political science, since these provide more opportunities to incorporate low profile and informal political processes than IR or comparative politics approaches. For reasons which have been elaborated in Chapter one, policy analysis, which is one of the major political science based analytic approaches, is particularly suited to provide insights into the nature of the EU. Hence, much of the remainder of the thesis focuses on the analytical potential of policy approaches which are applied to the empirical data that has been collected for this thesis.

Moreover, Chapters six and eight contain reflections on the ways in which the potential of these analytical tools could be expanded by synthesising them with aspects of IR and comparative political approaches. There is no scope to discuss the full range of policy analytic approaches within the boundaries of the thesis but particular attention has been paid to examining the validity of bureaucratic and pluralist interpretations of the policy process, given that the EU has been influenced heavily by bureaucrats but has become also a paradise for lobbyists. In addition, the potential of policy networks analysis is explored because empirical evidence suggests that policy processes in individual policy areas differ to some extent from one another.



# **CHAPTER FOUR:**

## **POLICY MAKING IN THE EU:**

### **BUREAUCRATIC GOVERNMENT?**

#### 4.1. Introduction

Jean Monnet's original plans positioned the Commission at the very heart of the European Communities but the redesign of the original plans and subsequent developments led to institutional interdependence, particularly in the area of policy making. There is also a bewildering range of policy procedures which guarantees in its own right that "...policy making [in the EU] is a staggeringly complex set of multi level games."<sup>1</sup> Charges that the Commission, as a non-elected, hardly accountable

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<sup>1</sup> Wassenberg concluded thus in 1990, even before complexity was further enhanced by the TEU provisions. See, A.F.P. Wassenberg, 'Games within Games: On the Politics of Association and Dissociation in European Industrial Policy-Making', in Marin, B. (ed.) *Governance and Generalized Exchange: Self-organising Policy Networks in Action*, Westview Press, p.288.

The TEU contains the most up to date outline of the formal policy making procedures. There are four different procedures for 'non administrative' legislation: consultation, co-operation, co-decision, assent. The EP has a right to exercise its veto power when co-decision or assent procedures apply. Assent is required from the EP for certain decisions, e.g. accessions to the EU, association agreements with third countries, Commission appointments, etc.; a provision which first figured in the SEA, but which was widened in the TEU. There is also a separate procedure for the budget; the EP has a genuine say in this process, especially over non-compulsory expenditure. However, in the past there has been very little room for non-compulsory expenditure because the CAP has eaten up an enormous amount of the budget, in the form of compulsory expenditure. The problem still exists today, but to a lesser extent. There is also a separate procedure under Article 113 of the EEC Treaty for external trade agreements. The provisions for decision-making under the two new pillars in the TEU are mostly, but not exclusively intergovernmental, so that some decisions do not require formal policy instruments. Where policy is made, the EP is consulted only, and there are usually unanimity decisions, although qualified majority voting is the norm for procedural decisions and, as seen, the Treaty recommends its use elsewhere where possible. Nugent *op.cit.*, 1994, produced an amazingly clear outline of the various procedures, given their complexity and the inaccessible manner in which they figure in the Treaties.

body, possesses excessive powers nevertheless persist.<sup>2</sup> Commission officials (as opposed to the Commissioners) are also accused of enjoying too much freedom in respect of policy drafting so that they "can exercise a lot of influence."<sup>3</sup> Coupled with continued allegations of dirigisme, such claims lead to the view that the EU is exceedingly bureaucratic or - in popular Europeak - Eurocratic<sup>4</sup>. Material contained in the two previous chapters touched upon this issue and cast doubt on the validity of one-sided allegations. However, none of the theories examined the role of bureaucrats in sufficient detail to come up with a satisfactory evaluation of their contribution. In view of the pivotal Treaty functions allocated to the Commission, Monnet's influence on the EC and the participation of large numbers of national public administrators, it is necessary to explore the extent to which claims about bureaucratic government are sustainable. Initially, a brief clarification of the concept of bureaucracy is required.

#### 4.2. Bureaucratic Models of Policy -Making

According to Mitchell the expression 'Bürokratie' was coined by Vincent de Gourmany (1712-1759) but it was J.S. Mill who established the term's basic meaning, that is government by non-elected professionals, as opposed to elected

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<sup>2</sup> See for example Gardner's comment that the Commission is "in the driver seat". J.N. Gardner, *Effective Lobbying in the European Community*, Kluwer, 1991, p.30.; see also many of the comments quoted in the remainder of this chapter.

<sup>3</sup> For example, a recent article in *The European* accused Commissioners of "under-managing and under-controlling officials and of being too indulgent with them." {*The European*, 'The High Pay, Low Tax World of the Eurocrat', 6-12 January 1995, p.17.} Accusations of excessive powers at any level in the Commission's hierarchy relate primarily, but not exclusively, to its right to initiate policy. It will be demonstrated later in this chapter that the context within which this right is executed is far more restrictive than is often assumed.

The quote in the main text is taken of a questionnaire, completed by an MEP.

<sup>4</sup> See for example, Crampton *op.cit.*, 1990.

representatives of the people.<sup>5</sup> Weber subsequently created an ideal-type model of bureaucracy in *Wirtschaft und Gesellschaft*.<sup>6</sup> This comprehensive treatise portrays bureaucracies and bureaucrats in a favourable light, arguing that the latter are neutral, rational and effective servants of the state. Mosca came to similar conclusions in his *Elementi di Scienza Politica*.<sup>7</sup> This view of bureaucracy shares certain assumptions with the functional theory of integration: both concepts emphasise rational behaviour, organisational harmony, efficiency and the strategy to make policy when necessary, and not as a result of political considerations.<sup>8</sup> This positive interpretation of bureaucracy is also cherished by many public administrators themselves, including Jean Monnet.<sup>9</sup> Therefore, Monnet may have been influenced more by bureaucratic than functional traditions; a point which was recently emphasised in relation to the Community's democratic deficit.<sup>10</sup>

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<sup>5</sup> See for example, M. Albrow, *Bureaucracy*, Macmillan, 1970.

<sup>6</sup> M. Weber, *Wirtschaft und Gesellschaft*, Mohr Verlag, 1948, 3. Auflage. Weber was aware that, in reality, it was difficult to distinguish between the administrative and political spheres and that bureaucrats could act politically, although he maintained that they should not do so. Also, he upheld the convenient distinction between non-elected and elected professionals. The same distinction is thus adopted here.

<sup>7</sup> G. Mosca, *Elementi di Scienza Politica*, translated by A. Livingstone as 'The Ruling Class', McGraw-Hill, 1939.

<sup>8</sup> Navari *op.cit.*

<sup>9</sup> A claim supported by evidence from, e.g. E.N. Suleiman, 'From Right to Left: Bureaucracy and Politics in France', in Suleiman, E.N. (ed.) *Bureaucrats and Policy Making*, Holmes & Meier, 1984, Ch. 5, or, S. Hazareesingh, *Political Traditions in Modern France*, Oxford University Press, 1994, pp. 155-6.

<sup>10</sup> This point is implicitly supported by S. George, *Politics and Policy in the European Community*, Oxford University Press, 1985 edition, pp.19-20. who pointed out that Monnet had never acknowledged any intellectual debt to functional theory, nor proclaimed to have read Mitrany's works. The claim also gets implicit support from Featherstone's *op.cit.*, 1994, recent discussion of Monnet's role in creating preconditions for a democratic deficit in the EC. (See also Chapter two on this point.)

At first sight it may not be necessary to ponder upon the roots of Monnet's dirigiste tendencies, since either set of beliefs would have influenced him to allocate the Commission a pivotal position among EC institutions. However, the distinction is necessary because, in some respects, the two sets of ideas differ markedly. Notably, the concept of bureaucracy is hardly concerned with the role of informal policy-actors such as functional interests. Bureaucratic government emphasises the "*structures of government* whose primary function is to perform...the process of rule-application; that is to say, the process through which general social rules are converted into specific decisions for individual cases."<sup>11</sup> There is no necessary connection between functionalism and excessive interventionism, whereas such a connection is now usually taken as part of bureaucratic government.

Earlier this century, the belief in bureaucratic neutrality and efficiency was abandoned, probably because bureaucrats have been involved increasingly in policy design, owing to the steady growth of government.<sup>12</sup> Consequently, some critical models of bureaucratic government have been developed. Bureaucrats are accused of being self-interested, conservative, inefficient, and prone to beget steadily more bureaucracy.<sup>13</sup> Consequently, they apparently shy away from change and policy

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<sup>11</sup> B.G. Peters, *The Politics of Bureaucracy*, Longman, 1984, 2nd edition, p.2. {emphasis added here}. The notion of bureaucracy has developed considerably in recent decades and the term is often used broadly to refer to any administrative organisation (*ibid.*). However, scholars such as Peters, Albrow *op.cit.* or, D. Warwick, *Bureaucracy*, Longman, 1974, all favour the narrower interpretation of bureaucracy on the grounds of earlier conceptualisations, namely by Weber. In the thesis, this narrower interpretation is adopted, but the notion of 'government officials' is adapted to take into account the specific EU structures and, hence, includes non elected Commission Officials, the Commissioners and their cabinets staff, civil servants of national governments, civil servants and/or EU officials working on behalf of the other EU institutions.

<sup>12</sup> For useful discussions of the enormous growth of government and policy output in Western European political systems during the 20th Century see for example T.W. Rice, 'The Determinants of Western European Government Growth 1950-1980', *Comparative Political Studies*, 19(2), pp.233-57, or, Hirst *op.cit.*

<sup>13</sup> See for example, G. Bannock et al., *Dictionary of Economics*, Penguin, 1984, 3rd edition, p.58, or, A.P. Pross, *Group Politics and Public Policy*, Oxford University Press, 1992.

innovation.<sup>14</sup> Furthermore, bureaucrats are no longer considered to be purely rational actors; it is acknowledged that they are affected by the cultural climate of each individual bureaucracy as well as by individual socialisation.<sup>15</sup> Bureaucracies can also be riddled with internal divisions, and they are likely to be inflexible because they are rigidly hierarchic.<sup>16</sup>

Neither Weber's ideal-type nor the critical model of bureaucratic government are very convincing. The latter is somewhat inconsistent, too. On the one hand, bureaucrats have apparently tremendous powers and influence, without proper authority, on the other hand, they are introverted and lacking in motivation, innovation and communications skills. However, both extreme approaches to bureaucratic government raise important questions with regard to the formal and informal functions of bureaucracies, their place in political structures and the behaviour of bureaucrats. Such questions need to be explored in the context of the European Union. However, it must be clarified first if the Commission can be considered a bureaucracy, given its dual function as an executive and administration and its overtly political character.<sup>17</sup>

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<sup>14</sup> See for example, W. Grant, *Business and Politics in Britain*, Macmillan, 1987, or, C. Miller, *Lobbying Government*, Basil Blackwell, 1987.

<sup>15</sup> See for example, P. Self, *Political Theories of Modern Government, its Role and Reform*, Allen & Unwin, 1985. This point is also made briefly by Majone in G. Majone, 'Preservation of Cultural Diversity in a Federal System: the Role of the Regions in Comparative Constitutional Federalism: Europe and America, in Tushnet *op.cit.*, pp.67-76.

<sup>16</sup> See for example, Warwick *op.cit.*, or, T.J. Lowi, 'Public Policy and Bureaucracy in the United States and France', in Ashford, D.E., *Comparing Public Policies: New Concepts and Methods*, Sage, 1978, pp.177-96.

<sup>17</sup> See Chapter two.

#### 4.3. The Commission of the European Union: a Bureaucracy with a Difference

Since bureaucracy is taken to mean rule by non elected officials, it is appropriate to conceive of the European Commission as a bureaucracy. It is however a bureaucracy with a difference. It consists of two distinct layers, namely political and administrative appointments. Commissioners are appointed by their respective member governments, usually either in recognition of their outstanding political careers or their strong visions on EU politics (integrationist or Euro-sceptic), or for both these reasons. Once established, Commissioners appoint their immediate staff, the 'cabinets'. These appointments are normally also based on political, ideological or national affinities, rather than on merit only.<sup>18</sup> Officially, the remaining Commission staff are administrative appointments, recruited through open competition. Nonetheless, there is some evidence of preferentialism on various grounds.<sup>19</sup> Yet, there are also attempts to curtail all forms of nepotism. For example, in March 1993 the European Court of Justice overruled the appointment of Spanish and Italian bureaucrats to the Directorate-General for Fisheries, on the grounds that they were appointed because of their nationality.

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<sup>18</sup> This point was confirmed during the interviews conducted for the research by the following participants: both Kraftfood interviewees, Dr. O. Gray, of the American Chamber of Commerce in Brussels, Mr. Pedler and various representatives of Euro-trade associations; for confirmation elsewhere, see for example George Ross', 1990, comments on Jacques Delors' appointment of like-minded Cabinet staff, discussed in A.S. Milward, *The European Rescue of the Nation State*, Routledge, 1992; another 'exquisite' neo-Realist work.

<sup>19</sup> For confirmation of this point, see for example, S.T. Thomas, 'Assessing MEP influence on British EC Policy', *Government and Opposition*, 27(1), pp.3-18.; The European *op.cit.*, 6-12 January 1995.

Since the Commissioners, and by delegation their staff, have the sole formal right to initiate policy in the EU, executive and administrative functions have become exceedingly intertwined.<sup>20</sup> Most liberal democrats find this situation uncomfortable, particularly given the genuine lack of accountability on behalf of the Commission. Sometimes, this point is however exaggerated, since there are some constraints on the Commission, especially following the TEU which has enhanced the scrutiny powers of the European Parliament.<sup>21</sup> For Commissioners, there is also indirect accountability, but to their national governments. If they fail to perform to their government's liking, the latter is unlikely to renew their appointment after their first four year term in office. Lady Thatcher's replacement of Lord Cockfield by Sir Leon Brittan exemplifies this point.

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<sup>20</sup> The Commission is the only government branch that can formally initiate policy; however, the Council of Ministers were given the right by the EEC Treaty (Article 152) "to request the Commission to undertake studies and to submit to it the appropriate proposals. The same right has now been bestowed upon the European Parliament by the TEU. Essentially this clause "...confirms Parliament's right to call on the Commission to submit a legislative proposal." {*EP News*, 17-21 January 1994, p.2}.

<sup>21</sup> There is much evidence that the EP is making use of its new powers. See for example, *EP News op.cit.*, 17-21 January 1994; K. Hänsch, 'A Future without Vetoes where the Majority Wins', *The European*, 29 July-4 August 1994, p.9.; R. Watson, 'Hänsch leads sweeping reform of Parliament', *The European*, 23-29 September 1994, p.1.; *CEC*, EC Press Release: European Parliament to Grill the Santer Commission: New Chapter in Parliament-Commission relations, ISEC/23/94, 15 December 1994. The EP's assertiveness appears to cause already some concern, especially among some member governments; a fact which Smart discovered from a 'confidential' draft report for the IGC in 1996. In that report some member governments apparently warned that the Commission's greater dependence on Parliament could call into question the delicate "institutional balance" between the CoM, the Commission and the EP. This reaction by self-interested governments is understandable but makes a mockery of calls for greater accountability and democracy and ongoing concerns about the excessive powers of the Commission. {V. Smart, 'Parliament Power comes under Fire', *The European*, 31 March-6 April 1995, p.1.}

Parliamentary assertiveness is not a new phenomenon, stimulated by the ratification of the TEU. Van Hamme found that the Parliamentarians also made good use of the new powers bestowed upon them by the SEA. {A. Van Hamme, 'The European Parliament and the Cooperation Procedure: Impact on Lobbying', *Gestion* 2000, 4, 1988, pp.129-55.

The national governments are however more likely to take into account national self-interest than questions of accountability when they appoint or re-appoint a Commissioner.<sup>22</sup> Hence, this practice promotes nationalism through the backdoor rather than accountability, although it undeniably circumscribes the powers of the Commissioners. However, their influence remains extensive and creates pressures for a more conventional division between the executive and administration.<sup>23</sup> If this were to be the case, many qualms about the Commission might disappear, even if the practical effects of a more formal division between the executive and administration may be less marked than theory suggests. Practical changes may be limited because of the current culture in the Commission. Christoph's extensive interview based survey produced evidence that European bureaucrats are very much more assertive and innovative actors than most of their counterparts in national public administrations.<sup>24</sup> They are trained to develop large parts of policy independently and come to expect to have considerable freedom. It would surely take more than a group of elected Commissioners to transform this cultural ambience, at least in the short run.<sup>25</sup>

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<sup>22</sup> This point was confirmed by, for example, A.B. Philip, 'Pressure Groups and Policy Formation in the European Communities', *Policy and Politics*, 10(4), 1982, pp.459-75.

<sup>23</sup> In UK circles, V. Bogdanor, Reader in Government, Oxford University and Fellow of Brasenose College, has been one of the most outspoken advocates of such a traditional division. He advocates an indirectly elected executive, voted in by the EP and headed by a European President, either voted in by the EP or directly by the people. See for example, V. Bogdanor, 'Give Europe a President', *The Times*, 11 May 1989; Bogdanor & Woodcock *op.cit.*; V. Bogdanor, 'New Face Picked by the Same Old Ones', *The Independent*, 20 July 1994.

<sup>24</sup> J.B. Christoph, *The Effects of Britons in Brussels: The European Community and the Culture of Whitehall*, Paper presented at the IIIrd Conference of the International Society for the Study of European Ideas, University of Aalborg, DK, 24-29 August 1992. This view was also expressed by several interviewees (Brussels based consultant; Euro-trade associations) and by Ludlow *op.cit.*

<sup>25</sup> Christoph *op.cit.*



#### 4.4. A Dominant Eurocracy?

##### 4.4.1. Beyond Selfishness

The right to initiate policy is the Commission's most formidable political weapon, especially since the term 'policy' must be loosely interpreted:

"The Commission was designed from the beginning to produce ideas, studies, policy papers, and programs. It has continued to do so. The output is impossibly large to categorise, as it includes anything from a 'think piece' on the more efficient administration of agricultural surpluses to a draft directive to a full-blown policy program such as Cockfield's White Paper of 1985."<sup>26</sup>

Besides think pieces, studies and recommendations, the Commission has initiated a great many legislative drafts since its inauguration and the volume of actual Community legislation is formidable, given the EU's tender age. Many interviewees pointed out that this body of legislation has been significantly shaped by the Commission because draft proposals, once completed, are rarely amended drastically.<sup>27</sup> Black ink on white paper apparently focuses reflection and discussion to the extent that radical re-conceptualisation of a problem is rare. According to a Euro-lobbyist, officials may also be tempted to resist pressures for change, because,

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<sup>26</sup> Ludlow, *op.cit.*, p.97.

<sup>27</sup> For example, it was stated variously, that Commission officials consult and listen to various recommendation but that they had the power to put into words what had been said. In so doing, they could mediate or even ignore information. Moreover, they could choose particular language to add their own personal imprint to a policy draft. It was also mentioned that higher level Commission officials often had scant knowledge of detailed projects only and that, if they did not see a political incompatibility between the draft policy and the broader political agenda, they left their junior colleagues much freedom with regard to phrasing and structuring detailed provisions. This point was confirmed by an interview comment listed in Burson-Marsteller, *Lobbying the EC*, Burson-Marsteller Publications, June 1991, p.22: "While regulations get modified, in essence they are drafted at a fairly low level by people with a lot of autonomy. In fact the director general himself may not know what is going on." These views also fit in with earlier statements regarding the autonomy of low level Commission officials. (See footnotes 24 and 25.)

"normally officials are very proud of their babies and have little interest in changing them."<sup>28</sup>

The prevailing attitudes found among officials lend support to institutionalist readings of social change, although, theoretically, they do not exclude opportunities for radical draft designs by Commission officials. However, there is little evidence of such radicalism. Apparently officials consult widely and take account of existing policies, even within individual member states, before drafting new laws or amendments. This claim was substantiated by a Commission official who said that "...first we take notice of what exists".<sup>29</sup> Moreover, policy innovation is severely restricted by the tendency to produce amendments, rather than new laws, wherever possible. An MEP confirmed that in areas which have only recently been covered by EU policies there is more scope for policy innovation, since these are of a "tabula rasa" nature. However, other interviewees insisted that such opportunities were not fully exploited. For example, another MEP pointed out that, in the area of environmental policy-making, Brussels followed broadly international trends. Consequently, policy drafting does not take place within a vacuum and, hence, innovation and creativity are limited by the existing policy environment, a fact which is common to most policy-making cultures.<sup>30</sup> Thus, EC policy-making shows some

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<sup>28</sup> Interview comment by a Brussels based consultant and lobbyist; September 1991.

<sup>29</sup> Interview comment by a Commission official who worked at DG VI, at the time the interview took place, that is in September 1991.

<sup>30</sup> On the general point, see for example Krasner *op.cit.* (both references); on the limiting effects of existing EC legislation on policy innovation, see for example Nugent *op.cit.*, 1994.

marked incrementalist characteristics.<sup>31</sup> Incrementalism certainly reduces the manoeuvrability of current Commission policy drafters but it does not provide a direct indication as to whether their predecessors were more innovative. Given the Commission's custom of looking at existing national policies, even early drafters may have been engaged predominantly in synthesising and adjusting national policies to EC conditions, and not in policy innovation. This argument does not belittle their contribution; it simply puts claims of excessive Commission influence into perspective.

It has been argued that policy change is limited also because the drafters are primarily concerned with the preservation of the status quo that tends to favour their interests.<sup>32</sup> The following comments confirm that Commission officials are sometimes considered to be too lazy, complacent and inefficient to engage in proactive and innovative policy-making.<sup>33</sup>

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<sup>31</sup> Lindblom devised a model of incrementalist policy-making which highlighted the power of institutionalisation, but also asserted that policy-making was a rather a-rational, contingent process. {C.E. Lindblom, 'The Science of Muddling Through', *Public Administration Review*, 19, spring 1959, pp. 79-88.} Chapter five deals in greater detail with the issue of rational policy-making, but the discussion here confirms that EC policy-making is culturally and historically conditioned and, hence, not purely rational. Discussions in Chapter five indicate that policy-making is generally directed by a mixture of rational and other behaviour.

<sup>32</sup> This generalisation is undoubtedly exaggerated and inappropriate but there is one area where self-interest is likely to play a significant role: as a result of the persistent budgetary pressures, the CoM asked the Commissioners in 1993 to review their remuneration and to find ways of cutting their salaries and associated privileges, e.g. two paid first-class tickets per annum for all immediate family members of a Commission official to their home country. {On this issue, see for example, *Der Spiegel*, 'Vernünftige Relation', 47(32), 9. August 1993, S.47-50.}

<sup>33</sup> Accusations of complacency and inefficiency are particularly ripe with regard to the fraud and corruption problem that the Community has to grapple with. See for example, M. Mendrinou, 'European Community Fraud and the Politics of Institutional Development', *European Journal of Political Research*, 26 (1), 1994, pp.81-101, or, F. D'Aubert, 'The Silence of the Subsidies', *The European*, 6-12 January 1995, p.17, or, CEC, 'The Week in Europe: CAP fraud blacklist', WE/17/94, 5 May 1994 and CEC, Background Report: Combating Fraud, B/05/95, May 1995.

"Rightly or wrongly, there is a perception among many Europeans that the Eurocrats are more interested in their own careers and perks than in building a united Europe."<sup>34</sup>

"So often the European Commission is portrayed as a vast sanctuary where droves of Euro-civil servants, polyglots in designer suits, are paid vast salaries to indulge their Europhile tendencies."<sup>35</sup>

Thierry Naudin refers to Eurocrats as "Kafka's little Kaisers", warns businessmen of Europe to be aware of them and ends his 'inside view' with the recommendation that "it is time for a definitive White Paper from Brussels - one to tear down the paper curtain between businesses and governments."<sup>36</sup>

Interviewees have not been as unkind to the Commission officials but some concern with regard to inefficiency and complacency has been voiced, notably by two MEPs who argued that "the productivity of EC officials was very low" and that they had a tendency to "sit in well paid ivory towers".

Do European officials really epitomise all the worst characteristics of bureaucrats? It is possible to find instances of corruption, complacency, inefficiency, selfishness, pettiness among European officials. For example, there appears to have been some cover up over a former Euro-official's involvement in fraud related to tobacco subsidies.<sup>37</sup> Occasionally, Eurocrats produce extremely questionable policy initiatives, for example attempts to harmonise the amount of water used to flush a

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With this report the Commission demonstrates - at least on paper - that it is not inefficient and complacent but seeks to solve the problem of fraud. Various measures are suggested, namely: specialised task forces on the ground, more enquiries and exploiting them better, concentrate on high risk sectors, e.g. CAP, increase awareness of fraud, exploitation of intelligence, training national officials, new policy instruments, e.g. a Regulation on the Protection of the Community's financial interests.

<sup>34</sup> R. Evans, 'Eurocrats-Public Servants or Usurpers?', *Geographical Magazine*, March 1990, p.41.

<sup>35</sup> R. Watson & L. Walker, 'Inside the Mind of the Eurocrat', *The European*, 15-21 April 1994, p.6.

<sup>36</sup> T. Naudin, 'Why it is Time to Tear Down the Eurocrats' Paper Curtain', *The European*, 10-16 March 1995, p.21.

<sup>37</sup> D'Aubert *op.cit.*

toilet or the prohibition of pork chops with an attached kidney.<sup>38</sup> Sometimes, the Commission seems equally silly in its refusal to take action. For example, when the executive director of a Spanish animal rights association complained about the public slaughter of pigs in Pampaneira (E) every December, the Commission stated that it could not take any action on such matters because these animals were not tortured and killed for consumption purposes.<sup>39</sup> However, the majority of scare stories about foolish initiatives from Eurocrats turn out to be myths.<sup>40</sup>

The Commission is thus not a safe heaven for any 'little Kafkaesque Kaiser' and most interviewees and questionnaire respondents showed a great deal of respect for Eurocrats and felt that the vast majority of them were hardworking sincere people. Consequently, derision and allegations of bad behaviour are often unfair and should not be generalised. Nonetheless, there is no room for complacency, since the Commission evidently suffers from a serious image problem which is partially self-inflicted, partially the consequence of media 'hounding', in the UK *and* elsewhere. The image problem is a serious matter because it enhances the widespread disquiet over the undemocratic nature of the Commission which, in turn, reduces its manoeuvrability and freedom to act. These restraints are likely to limit its overall policy impact.<sup>41</sup> Commissioners are well aware of this problem, but they and their staff have not mastered the art of effective communication as yet.<sup>42</sup>

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<sup>38</sup> I. Aitken, 'Lords flush out the Brussels Meddlers', *The Guardian*, 7 February 1992, p.6; BBC 1, 6 O'clock News, spring 1993.

<sup>39</sup> J. Carvel, 'European Commission moves to protect Frogs but Pampaneira Pigs stay beyond Reach', *The Guardian*, 8 October 1993, p.1.

<sup>40</sup> Examples of myths are: A directive prohibiting the use of wooden barrels for the fermentation of beer {*EP News*, 'No Need to Get in a Froth', 14-18 December 1992, p.3.}; the EU is insisting on round Gin bottles. (V. Macdonald & R. Temple, *Do You believe all you Read in the Newspapers?*, Publications of the European Commission, February 1994.

<sup>41</sup> This point has been confirmed several times, e.g. *The Economist*, All Aboard, 316(7653), 5 May 1990, p.15. Data in Chapter seven substantiate this point.

#### 4.4.2. Interventionism

It has been argued widely that, for historical, ideological and egotistical reasons, the Commission is a highly interventionist organisation which sometimes creates legislation for the sake of legislation so as to safeguard its own position, privileges and power.<sup>43</sup> Work programmes vary in size from year to year, but are generally substantial, sometimes even unwieldy. Hence, it is not inappropriate to regard the EU as a formidable policy initiator. Yet, the Commission is by no means the only institution that pushes for policy initiation (see Table 1, p. 120<sup>44</sup>) but, being the formal policy initiator, the Commission carries the burden of criticism from those who publicise incessantly the 'unacceptable' nature of that body. Ironically, governments often blame one another for pushing the Commission to legislate, while merrily engaging in that practice themselves. For example, Belgium forced amendments and legislation on packaging and vehicle emission standards; the UK ensured the protection of cheated time-share holiday owners and insisted on the protection of animals during transport; France demanded legislation on the reintroduction of minimum prices for fish; several other member states insisted on EU-wide standards for hall marking.<sup>45</sup> The CoM always promotes policy initiatives

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<sup>42</sup> The Commission is aware of its problem and frequently attempts to improve the situation, alas to little avail! See for example, *CEC*, ISEC/B32/91; WE/23/92; ISEC/B11/93, ISEC/B17/93; WE/40/93; WE/19/94.

<sup>43</sup> This accusation is implicit in many of the negative assessments of the Eurocracy contained in this chapter and is compatible with the now widespread assumption that bureaucrats promote policies out of self-interest (see footnote 13).

<sup>44</sup> Table I has been made up from the following sources: *The Economist*, Eurobuzz: Subsidiarity, 325(7779), 3 October 1992, p.49 and *CEC*, WE/39/91; ISEC/B4/93; ISEC/B4/94; ISEC/B11/94.

<sup>45</sup> *The Economist*, '1992: Second Thoughts: A Survey of Business in Europe, 319(7710), 8 June 1991, inset after p.72.; *CEC*, ISEC/B28/93; WE/3/94; WE/4/94; C. Ripa di Meana, 'Cruelty is no longer a Fringe Issue', *The European*, 10-16 March 1995, p.1

and studies, notably on technological co-operation with East European and CIS countries or on case studies on the varied impact of the Channel Tunnel.<sup>46</sup> Moreover, significant political guidelines are established by the European Council, both at Intergovernmental Conferences (IGCs) and through the medium of the Presidency.<sup>47</sup> Recently, the European Parliamentarians have increased their requests to the Commission for new legislation. For example, they persuaded the Commission to introduce legislation for a Hepatitis B vaccination programme.<sup>48</sup> Sometimes interest groups convince Commission officials to initiate policy drafts. For example, environmental and consumer groups have stimulated legislation on nitrate levels in lettuces and on distance selling.<sup>49</sup> Therefore, the Commission does not carry full responsibility for the size of the annual work programme and the vast quantity of EU legislation. Nonetheless, the Commission does have interventionist tendencies, even if these are hidden in Table 1 on page 123.

The Commission's interventionist tendencies have manifested themselves in a variety of ways. For example, Chapter two revealed that the Commission has sometimes used its role as Guardian of the Treaty to expand into new policy areas such as environmental regulation. Moreover, it has been the driving force for many European-wide programmes, particularly in the cultural and technical areas.<sup>50</sup>

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<sup>46</sup> See CEC, Background Reports, ISEC/B32/91; ISEC/B30/92; ISEC/B6/93.

<sup>47</sup> For confirmation, see for example, Wessels *op.cit.*, or, CEC, 'Background Report: the Role and Influence of the Presidency of the Community, ISEC/B17/92, 2 July 1992.

<sup>48</sup> *EP News*, 'Hepatitis Danger', 8-12 February 1993, p.4.

<sup>49</sup> CEC, ISEC/B23/92; WE/13/95; *BBC 1*, 6.30 pm Local News Update, East Anglia, spring 1994.

<sup>50</sup> For example, SOCRATES, ALTENER, JET. ALTENER = Community Action Programme for greater use of renewable energy sources {See CEC, 'Background Report on ALTENER', ISEC/B28/92}. JET = The Joint European Torus = The largest and most powerful experiment yet attempted towards the development of nuclear fusion as a new energy source. {See, CEC, 'Background Report on JET', ISEC/B19/92} SOCRATES is the updated and expanded version of the ERASMUS and LINGUA Higher Education exchange and co-operation programmes, now due to come on stream 1996/97.

Table 1

Breakdown of the Commission's work programme 1991:

Reasons for initiation of EC proposals (535):

<u>Percentage</u>	<u>Reason</u>
28%	Concerning the negotiation and application of multilateral and bilateral international agreements, e.g. fishing rights, GATT, aid programmes
15%	modified current laws, e.g. directive on food colouring
14%	responded to requests from individual governments (see examples above)
13%	followed programmes already approved by the CoM or Treaty obligations, e.g. SEM programme, action plan for consumer policy, review of the telecommunications sector
8%	carried out obligations of the EC treaties, e.g. farm prices, cancer action programme (under public health provisions in TEU)
8%	imposed anti-dumping measures, in response to complaints from the CoM
8%	requests from CoM (see examples above)
6%	based on the Commission's own ideas, e.g. special animal centre



Sometimes it has also dedicated itself to carrying out treaty obligation to a depth and at a speed that worries many national and European politicians. For example, following the ratification of the TEU, the Commission has immediately begun to work on a programme for immigration which includes proposals to give legal immigrants in the EU eventually full citizenship.<sup>51</sup> Together with other policy-makers, the Commission has pushed for interventionist policies such as structural and regional fund programmes, social policy environmental policy.<sup>52</sup> Furthermore, certain Directorate-Generals (notably DG VI which is in charge of Agriculture) continue to be influenced heavily by French legal and administrative culture which, in turn, remains quite dirigiste.<sup>53</sup> Within limits, senior Commission personnel can also influence the amount of policy output and the speed with which policies are processed. For example, Leon Brittan is known to have fostered the deregulatory tendencies in the Commission. Conversely, Jacques Delors carried with him a dirigiste heritage.<sup>54</sup> Finally, the Commission has exceptional powers in a very small range of policy areas which enhance its overall impact on policy-making. Notably, it has been given some delegated legislative powers in the area of agricultural policy-making so as to ensure sufficient freedom to manage the CAP.<sup>55</sup> This situation has provoked it occasionally to interfere with ministerial decisions, including rejecting a German and British veto, on the grounds that these were interfering with the smooth

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<sup>51</sup> V. Smart & R. Watson, 'Big Two Plan Even Stronger Maastricht', *The European*, 25-31 March 1994, p.1.

<sup>52</sup> In these policy areas, the Commission has worked as part of multi-institutional coalitions and has not always been the driving force: "The Social Charter came into being when the Commission, spurred on by the European Parliament and the Economic and Social Committee, recognised that the citizens of Europe and not business alone should benefit from the opportunities offered by the Single Market." (CEC, 'Background Report', ISEC/B1/92: 1).

<sup>53</sup> See for example, P. Sandevor, *Introduction au droit*, Dunod, 1991; R. Watson, 'Evolutionary Theory of the Eurocrat', *The European*, 15-21 April 1994, p.1.

<sup>54</sup> See for example, Milward *op.cit.*; J. Palmer, 'Leaders Vow to Strip Veil of Secrecy from Europe', *The Guardian*, 17 October 1992, p.8.

management of agricultural markets, in accordance with the principles of CAP.<sup>55</sup> During the lead up to '1992', the Commission could invoke also some additional powers in order to speed up the passage of single market legislation.<sup>56</sup> Article 10 of the SEA stipulates that SEM legislation that involved minor amendments only, would not need to await for formal CoM approval, but could be dealt with under a specially devised committee procedure.<sup>57</sup> In some respects these provisions resemble those in respect of agricultural policy-making and they have provoked concern, including a statement by the CECG claiming that they "...changed the emphasis of decision-making from the Council to the Commission."<sup>58</sup> To some extent, this is a valid assessment but it overstates the importance of Article 10 of the SEA, because Heads of State and Government would never have signed away significant decision-making powers to the Commission.

In the final analysis, it is difficult to judge how widespread interventionist beliefs and activities are within the Commission. 'Interventionism' is an arbitrary notion, depending on cultural and ideological perceptions and, hence, "...one country's

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<sup>55</sup> Treaty establishing the European Economic Community, Title II: Agriculture, 1957. For more detailed comments on these provisions, see for example G. Hendriks, 'Germany and the CAP: National Interests and the European Community', *International Affairs*, 65(1), 1989, pp.75-87, as well as, Spicer *op.cit.* Regrettably, this situation has led to a widespread myth that the Commission is the (central) decision-making institution in the Community. {On this point, see for example, Luff *op.cit.*} More recently, the Commission has also been given direct intervention powers in respect of non-compliance with the EU's competition policy. According to Lord Clinton-Davis, these new *executive* powers have given raise wrongly to concern over the Commission's *legislative* powers, too, at least on occasions. Lord Clinton-Davis, 'The Commission', Presentation at the Hawksmere Seminar on Lobbying and Decision-Making in Europe, London, 30 January 1992.

<sup>56</sup> This right is based on article 145, paragraph 3, of the EEC Treaty which was added with the ratification of the SEA (Article 10, SEA).

<sup>57</sup> Outlined under Council Decision 87/373/EEC of 13 July 1987.

<sup>58</sup> CECG, Information Paper on Decision-Making under the Single European Act, Pamphlet 89/12, 1989, p.3.

bureaucratic interference is another's urgently needed EC action."<sup>59</sup> Moreover, the institutional interdependence in the EU provides barriers for imprudent legislating. For example, an interviewee stated that Commission officials will not introduce legislation that they judge to be unacceptable to the European Council or the CoM. For example, Jacques Delors was very keen on introducing a comprehensive training programme; alas, pen was never put to paper since he knew that he lacked adequate political support.<sup>60</sup> Most interviewees also maintained that Commission officials gathered information from a broad range of sources before they wrote a policy draft, as well as at all later stages.<sup>61</sup> Furthermore, the CoM can always throw out unsuitable legislation at the decision-making stage, although there is a marked divergence among ministers as to what constitutes the right amount of legislation, due to political and ideological diversity. Qualified majority voting makes life however a little easier for interventionists. Nowadays, the EP is also more effective in monitoring policy initiatives. Indeed, Commissioners and MEPs recently agreed on a 'code of conduct'. The Commission will in future only proceed in exceptional circumstances with proposals rejected by the EP. In return, MEPs have promised not to delay proposals that they do not like.<sup>62</sup> As demonstrated previously, the principle of subsidiarity has already been applied to scrap some existing EU laws and to prevent excessive zeal among policy initiators.<sup>63</sup> The Commission is well aware of the possible implications of Article 3b and other provisions in the TEU: "Account is

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<sup>59</sup> The Economist *op.cit.*, 3rd October 1992, p.49.

<sup>60</sup> Interview comment by CBI member of staff, Brussels office; September 1991.

<sup>61</sup> These views were expressed by Officials from Trade Associations (general and sectoral), Business people, Consultants, Politicians and Civil Servants (home and Brussels based).

<sup>62</sup> See, *EP News*, 'Full Steam Ahead: Commission and MEPs Mend Fences', 13-17 March 1995, p.1, and, *CEC*, 'The Week in Europe: Commission-Parliament Relations', WE/10/95, 16 March 1995.

<sup>63</sup> See Chapter two.

taken of the new co-decision procedure and all the proposals listed will have to be examined in strict compliance with the subsidiarity principle."<sup>64</sup>

Intervention can manifest itself in different ways. During the early years of the EU, the Commission undoubtedly pursued its task to further European integration by way of creating enabling legislation. It was also very much concerned with harmonisation of member states' legislation and with planning the route towards greater integration. The CAP is the symbol of that phase which must be labelled as dirigiste. Dirigiste tendencies have not disappeared entirely in the Commission but the main form of intervention is now regulation.<sup>65</sup> As noted earlier,<sup>66</sup> this sea change took place within a changing ideological framework in the Western world during the 1970s and was epitomised in the implications of the Cassis de Dijon ruling which has also affected the culture of the Commission.

#### 4.4.3. Omnipresence

The Commission enhances its influence because it has much control over the policy time-table and because it is more or less omnipresent.<sup>67</sup> Unlike other policy actors, the Commission is involved in all stages of policy-making. For example, Commission officials chair a host of ad hoc or semi-institutionalised consultation and

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<sup>64</sup> CEC, 'Background Report: The Commission's Legislative Programme for 1994', ISEC/B1/94, 4 January 1994, p.1.

<sup>65</sup> See for example Majone *op.cit.*

<sup>66</sup> *ibid.*; see also Chapter two.

<sup>67</sup> This point was made by numerous interviewees and figured on several responses to the questionnaire on interest representation and policy-making. For example, it was stated that "...the Commission is involved at all stages..."; it was also explained that the policy draft is often referred to as "la navette" (shuttle) because it went through so many complex interactions and that the Commission was the one institution through whose hands it went most often.

management committees; they regularly send officials to the EP and the ESC and they frequently liaise with the civil servants working for the Permanent Representations of the member states. The higher echelons of the Commission are also in constant contact with senior national, and sometimes sub-national, politicians. Besides formal contacts, Commission officials profit from the incestuous nature of Brussels where "everybody soon gets to know everybody else in the business".<sup>68</sup>

#### 4.4.4. Implementation

The Commission oversees policy implementation which, more often than not, is carried out by national or sub-national agents who work on behalf of the Commission. In theory, this responsibility enhances Commission power, but Rhodes found that, apart from the CAP, implementation was dominated by national concerns which often interfered with the Commission's task.<sup>69</sup> Wallace discovered that non-compliance and obstruction were particularly marked during periods of recession which usually intensifies national rivalry.<sup>70</sup> Obstruction varies from policy sector to policy sector, but seems widespread, covering areas such as equal opportunities, industrial policy or health and hygiene.<sup>71</sup>

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<sup>68</sup> Interview comment made by a Commission official in DG VI; September 1991.

<sup>69</sup> R.A.W. Rhodes, *European Policy-Making, Implementation and Subcentral Governments*, EIPA Press, 1986.

<sup>70</sup> Wallace et al. *op.cit.*, 1983, Ch. 2.

<sup>71</sup> *ibid.*; see also S. Cunningham, 'The Development of Equal Opportunities Theory and Practice in the European Community', *Policy and Politics*, 20(3), 1992, pp.177-89. Numerous interviewees also expressed this view.

Is the Commission partially to blame for its inefficiency with regard to policy implementation? At least an official in the UK Permanent Representation thought so, stating that Commission officials were not particularly interested in "the unsexy side of the whole policy business".<sup>72</sup> The official conceded however that the Commission had recently "got its act together".<sup>73</sup> However, problems with implementation persist and are largely of a structural nature. Nonetheless, implementation continues to open up loopholes and cause difficulties. National parliaments interpret directives variously; they can also delay the transformation of a directive into national law. Implementation often involves new policy actors, particularly at the regional and local levels. Communication difficulties can arise, or the implementation process can be hampered by non co-operation.<sup>74</sup> Hence, the Commission's responsibility for implementation is a mixed blessing and does not improve its image problems, nor necessarily enhance its impact on policy outcome.

#### 4.4.5 Internal Divisions: Horizontal and Vertical

There is little evidence of a Commission-wide sense of identity; among staff loyalties seem to lie predominantly with DGs or sub-sections of DGs, if they exist at all.<sup>75</sup>

Internal friction of all kind seems rife:

Social scientists have unearthed tales of jealousy, intrigue and sexual fantasy more typical of a blockbuster movie than nine-to-five office life."<sup>76</sup>

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<sup>72</sup> Interview with a British official at the UK Permanent Representation, Brussels, September 1991.

<sup>73</sup> *ibid.*

<sup>74</sup> These issues are explored in greater detail in Chapter seven because policy implementation is an integral part of the policy process and can modify policy output significantly. Implementation patterns also reflect certain characteristics of a political system.

<sup>76</sup> The European *op.cit.*, 15-21 April 1994, p.1.

"Any impression of homogeneity is illusory. Nationality, language, political allegiance and departmental loyalties cut a swathe across everything else."<sup>77</sup>

"The Commission's decision-making has been more diffuse, poorly co-ordinated and erratic than Council's intergovernmental approach."<sup>78</sup>

These may be prejudiced comments, but there is evidence of lack of co-ordination and communication, as well as rivalry. For example, Sharrock reported that a road building project between France and Spain was supported by EC structural funds, but now found to be violating EC environmental laws.<sup>79</sup> A similar situation has arisen in Greece with the Acheloös dam project. Such divisions may well weaken the Commission's potential to influence policy outcomes. They also make Commission officials vulnerable to manipulation, for example, by lobbyists.<sup>80</sup> However, some interviewees dismissed divisions as "old hat"<sup>81</sup> and unimportant. They stressed the growing need for cross-departmental action, for example with regard to consumer policy and the positive impact of the many cross-DG work groups, committees.

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<sup>77</sup> *ibid*; p.6.

<sup>78</sup> Moravcsik *op.cit.*, 1991, pp.70-1. References to rivalry and divisions are widespread and can also be found in Milward *op.cit*; S.P. Mazey & J.J. Richardson, 'British Pressure Groups in the European Community: The Challenge of Brussels', *Parliamentary Affairs*, 45(1), 1992, pp.92-107, or, R. Watson, 'Bigger Club Creates Linguistic Nightmare', *The European*, 11-17 March 1994, p.4. Mazey & Richardson noted particularly the notorious rivalry between DG VI (Agriculture) and DG III (Internal Market and Industrial Affairs); the latter has deregulatory tendencies and clashes sometimes also with DG V (Employment, Social Affairs and Education) and DG X (Information, Communication and Culture) who tend to want to create more, and more harmonised, policies. A. Jones & B. Mead, 'Eurocrats face the Challenge', *Geographical Magazine*, March 1990, pp.42-3, found that divisions and rivalry were also rife among the Commissioners. A number of interviewees, including a Commission official, also confirmed this point.

<sup>79</sup> D. Sharrock, 'Battle of Bear Valley', *The Guardian*, 4 December 1992, Supplement on Europe, pp.16-7.

<sup>80</sup> This statement represents the view of a number of the interviewed lobbyists and consultants.

<sup>81</sup> Interview comment; member of a Euro-trade association; September 1991.

In line with stereotypical views of bureaucracies,<sup>82</sup> the Commission is rigidly hierarchic. According to some interviewees, this structure can lead to communication problems as well as sudden changes to policy drafts.<sup>83</sup> In the light of this finding, it is necessary to qualify an earlier point, regarding the freedom of low level officials to draft policies. They enjoy this freedom as long as the draft broadly fits the political priorities of the higher echelons of the Commission.

#### 4.4.6. Working Together

All the evidence indicates that the Commission's position in the policy process is one of interdependence. The Commission and the Council have to engage in a symbiotic relationship since the former initiates and the latter decides. They both work within the broad framework set by the European Council and are, in addition, restricted by the Treaty provisions and the '*acquis communautaire*'. The voice of the Parliament is getting louder and the Commission has to comply with the rulings of the Court of Justice. Moreover, the intricate web of informal influences modifies formal policy patterns to the extent that it is hard to generalise. For example, cross-institutional alliance building takes place quite often, since internal divisions also exist in the Council of Ministers, the Permanent Representations of national governments and the EP. In addition, organised interests play a significant, if informal, role in the EU's policy process.<sup>84</sup> Furthermore, the Commission's fortunes depend on the general

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<sup>82</sup> See for example Bannock et al. *op.cit.*

<sup>83</sup> Various interview comments. For example, a middle-ranking Commission official admitted that "...you got to arrange things with the top; things can change here..." (Interview September 1991) and the interviewee at the BLL commented (see appendix III) that he had first hand experience of this practice. Apparently, a middle-ranking official had accepted one of his recommendations and included it in a policy draft. However, following feed-back from a more senior Commission official, the recommendation was deleted, because it was deemed unacceptable or undesirable by the higher echelons of the Commission (Interview with Herr Welsch, BLL, July 1991).

<sup>84</sup> See Chapter five.



mood of the wider public and the political constellations in member states. For example, much opposition against the TEU is directed at the Commission. As a result, "it is reluctant to make any proposals that could upset entrenched national interests, lest EC governments seek to trim its powers." Accordingly, it is wrong to argue that the Commission is the dominant partner in the EU's policy process. It is a powerful, but dependent policy actor that needs to build alliances in order to achieve its goals.<sup>85</sup> The same goes for the other major institutions of the EU, that is the CoM, the ECJ and the EP. At a higher level, these institutions furthermore interact with the changing and complex agendas of the European Council. Furthermore, at a lower level, their exchanges are also mediated by informal pressures.

#### 4.5. National Bureaucracies

The above complexities are not captured by any of the bureaucratic models of policy making and the EU policy process should not be mistaken for bureaucratic government. However, overall, bureaucratic influence is considerable, because, besides the Commission, many national civil servants are involved in that process; either by working for one of the Permanent Representations, by being seconded to the Commission or through their respective home bases. The Permanent Representations are particularly well placed to influence policy output, especially through the two Permanent Representation Committees (COREPER I and COREPER II<sup>86</sup>) and the Special Committee on Agriculture (SCA) because they

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<sup>85</sup> All interviewees that were asked, confirmed that all initial policy drafts are amended in some form; often many times.

<sup>86</sup> COREPER is an acronym of the French term: *Comité des Représentations Permanentes*. Most of the time, commentators simply refer to a single COREPER, meaning COREPER II which is made up of the Ambassadors of the member states. However, there is a second COREPER, made up of the Deputy Permanent Representatives who are situated just below the Ambassadors in the bureaucratic hierarchy. {See for example, *The EC Committee of the American Chamber of Commerce, EC Information Handbook 1991*, Publications of the American Chamber of Commerce, 1991.}

carry out a lot of work on behalf of the CoM.<sup>87</sup> Items that have been agreed on at COREPER level and are thought to get Council approval without discussion are put on a separate list, entitled 'A points'; other items figure on the 'B point' list. In cases of 'A points' items, the national bureaucrats' input is crucial, and, with regard to 'B points' it is considerable. COREPER II's influence is enhanced, too, by their responsibility to prepare for the summits of the European Council. The civil servants who represent the country that holds the presidency are particularly advantaged in this process as they have some input on agenda setting.<sup>88</sup> Moreover, the fifteen national ambassadors to the EU that make up COREPER II are generally highly regarded by other policy actors.<sup>89</sup> However, it must be borne in mind that proposals do not reach COREPER until they have been extensively discussed with all the other policy actors involved. Further discussions and consultations take place at COREPER level. Moreover, their influence, as part of the CoM, is circumscribed by the constitutional provisions for policy processes. Consequently, it is a vast exaggeration to argue that COREPER II constitutes "the 15 men who run Europe on our behalf"<sup>90</sup>.

#### 4.6. Conclusion

The EU is not governed by bureaucrats, but they do play a significant role in the policy process. Some are in better positions than others to influence outcome. The

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<sup>87</sup> Any standard text on EU institutions will confirm this point.

<sup>88</sup> The EC Committee of the American Chamber of Commerce *op.cit.*.

<sup>89</sup> Interview and Questionnaire comments; EC official and officials from the UK and French Permanent Representations.

<sup>90</sup> S. Helm, 'The 15 men who run Europe on our behalf', *The Independent on Sunday*, 18 June 1995.

level of influence depends on many factors, namely their structural position, the policy in question, their ability to build alliances and gain support for their ideas. Since bureaucratic government has been defined here as government by non elected officials, the Commissioners must be labelled bureaucrats, too. They do of course occupy a pivotal position within the EU, especially the President, who is also a member of the European Council, and consequently they considerably enhance the bureaucratic traits of the EU. However, as in the case of integration theories, the notion of bureaucracy cannot fully capture the contribution made by the higher echelons of the Commission. Commissioners are overtly political appointments and are responsible for policy initiation. While sophisticated notions of bureaucracy take into account that officials are often drafting policies on behalf of ministers and influence these through informal political behaviour, they do not adequately address the function of the Commissioners.

Notwithstanding this conclusion, it is a valuable exercise to try and conceptualise the EU through the notion of bureaucracy. This approach tackles the myth of Eurocratic dominance and confirms the institutional interdependence in the EU. Consequently, it also verifies the earlier conclusions on the limitations to neofunctionalist and intergovernmentalist explanations of European integration. Since bureaucracy is concerned with rule-application<sup>91</sup>, it has also been possible to crystallise some rules within the EU, namely the requirement to interact with all other policy actors and to build alliances constantly so as to gain sufficient support to proceed with policy initiatives. Moreover, unwritten rules proscribe the introduction of initiatives that are considered *politically* untenable.<sup>92</sup> Like other administrations, the European and

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<sup>91</sup> See definition of bureaucracy by B.G. Peters *op.cit.*, 1984; footnote 11.

<sup>92</sup> As in any other political system there is of course a need to produce *workable* policies - a point discussed in greater detail in Chapter five with regard to the role of technocrats in the policy process.

national civil services are strictly hierarchic, although Commission officials appear to have more room for manoeuvre than most national civil servants, provided they move within the broad parameters set by their superiors. This relative freedom may well be a consequence of the comparative youth of the EU, the influence of various administrative traditions as a result of multi-national recruitment and the proactive position allocated to the entire Commission by the original EC Treaties.

This chapter confirms two important rule changes in the EU which have seriously affected the behaviour of Commission officials, provoked institutional changes and redesigned the policy process: the move from dirigisme to regulation and the growing preoccupation with the democratic deficit of the EU. Both rule changes have redressed the institutional balance to the detriment of the European Commission and, hence it is no longer (if it ever was!) "quite the motor force that some of the founding fathers had hoped for..."<sup>93</sup>

The focus on rules, rule changes and the behaviour of Eurocrats provides some extra indications on the issue of social change. Basic rules appear to have been institutionalised quite heavily, but drastic change does obviously sometimes occur. Such change seems to result from the confluence of different factors, notably a 'spill-over' of the changing ideas on the functions of government and state; powerful decisions by individual EU institutions; a requirement to make EU policy-making more efficient and to manage its limited finances or pressures for a more democratic EU. Such change is then mediated by institutionalised counter-pressures. For example, the move towards horizontal framework legislation, following the Cassis de Dijon ruling, was met with counter-pressures from those who favoured the

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<sup>93</sup> Nugent *op.cit.*, 1994, p.122.

institutionalised version of law-making, that is harmonised recipe type legislation.<sup>94</sup> Furthermore, many 'new' policy drafts are in fact amendments to existing legislation, so adding an incrementalist<sup>95</sup> flavour to EU policy-making. Individual interpretations have also mediated change. The point at which such pressures for and against change finally meet also depends on the attitudes of individual policy actors because "people matter, everywhere and issues can change if people change, for example in the Commission."<sup>96</sup>

These findings indicate that change is not evenly mediated within the EU and that it will ultimately be necessary to find a conceptual framework that incorporates diversity. They also suggest that the institutionalist claim about the 'stickiness' of social change is by no means unfounded, but that, ultimately, structuration theory, with its emphasis on interaction, is better able to capture the essence of rule change in the EU. Finally, they signal that European bureaucrats are not rational actors who operate in a vacuum. Instead they are affected by socialisation as well as their own experiences and intellectual capabilities.

The follow up questionnaire to the survey on lobbying and policy making, which was only completed by eleven respondents (see Appendix II), confirms the last point. Only two respondents maintained that the EC policy process was overall rational (a). Some six of them thought that it was a game of political trades off (c) and two concluded that it was a combination of (a+c), whereas one thought that it was a combination of (a), (c) and the influence of ideological considerations. The conviction that behaviour is dominantly guided by various influences, without

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<sup>94</sup> See for example Chapter seven.

<sup>95</sup> See footnote 31.

<sup>96</sup> Quote by an interviewee from the CBI office, Brussels, September 1991.

however being excessively a-rational, was confirmed by interview and questionnaire comments. For example, one interviewee said that "rationality is often nothing more than a mantle of respectability; underneath political bargaining and trades off appear ripe".<sup>97</sup>

However, such comments must be treated cautiously, and not only because they are not necessarily representative. Difficulties arise partly over terminology. For example, it seems that the expression 'ideological' is neither frequently used nor liked in EU circles. Issues, such as deregulation, which have ideological undercurrents are simply treated in terms of 'political preferences'.<sup>98</sup> There is also a deep-rooted problem with the composite notion of rationality. The majority of people, including questionnaire respondents and interviewees, *assume* that they know what is meant by 'rational behaviour'. Yet, economic and political rationale can clash, especially when policy actors have mixed commitments. For example, the Kangaroo Group, which leapt into life in 1979, has advised the Commission and other policy actors - *apparently* on the basis of economic reasoning - on the need for a highly deregulated internal market. However, the Kangaroo group is made up of a mixture of prominent politicians and business people, many of whom favour free trade for ideological reasons, as well as for its possible economic rationale.<sup>99</sup> Those *few* parliamentary (EP) support staff who have interests elsewhere, mainly in industry, may also have to grapple with the frequent dissonance between political and

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<sup>97</sup> Interview comment from an advisor on Europe, working for a major multi-national food and drinks processor that has a subsidiary in Brussels; September 1991.

<sup>98</sup> This observation is based on interview evidence, questionnaire comments as well as on many informal conversations.

<sup>99</sup> This argument was substantiated by appropriate comments from Ms Denise Owen, consultant and lobbyist who was interviewed in January 1992 and who has previously worked closely with members of the Kangaroo Group, including Lord Plum. The point is also confirmed elsewhere, notably by Harrop *op.cit* and Gardner *op.cit.*, 1991.

economic interests!<sup>100</sup>. There are further complications as far as the concept of rationality is concerned. Besides certain neo-liberals and advocates of public choice modules, few commentators have agreed that individual rationality coincides neatly with collective rationality. Moreover, it has been argued very eloquently elsewhere that so called rational policy choices can, on occasions, be mediated by sensations of empathy and altruism.<sup>101</sup> Finally, the uneasy distinction between incrementalism and rationalism has to be borne in mind. To Weber, rational policy making certainly implied that policy makers were able to decide on policy options without being trapped by cultural conditioning. By contrast, incrementalism rightly emphasises the virtual impossibility of such freedom. However, the concept of 'muddling through' significantly underestimates the influence of strategy, methodology, reasoned argument and detachment on policy-making, at least in the EU, and especially with regard to technically complex policies. The next chapter addresses this issue in greater detail and looks, more generally, at the compatibility between theoretical conceptualisations of pluralism and empirical manifestations of EU policy-making.

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<sup>100</sup> Watson *op.cit.* recently (10-16/2/95, p.1.) reported that a small number of EP support staff have indeed dual commitments and interests. The majority are however dedicating themselves exclusively to their work within the EP.

<sup>101</sup> See notably, J. Mansbridge, 'Self-Interest in Political Life', *Political Theory*, 18(1), 1990, pp.132-53.

## CHAPTER FIVE:

### THE EU: A PLURALIST HEAVEN?

#### 5.1. Introduction

Since the publication of Arthur Bentley's The Process of Government in 1908, the study of group politics has been central to policy analysis. With regard to the EC, there are some additional incentives to study the role of private interests.<sup>1</sup> The

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<sup>1</sup> A clarification of terms is necessary. Most early literature on group politics, interest representation or lobbying, assumes that private interests are represented in an aggregated form, through groups. {This is particularly true for early accounts such as Bentley *op.cit.*, or D. Truman's *The Governmental Process: Political Process and Public Opinion*, Knopf, 1951.} However, in the case of the EU, the terms 'private interests' can also include individual interests, e.g. of an organisation or a single person. It is therefore more suitable than the frequently used "interest group". It is also broad enough to include any form of private, i.e. non-state, actor, including traditional functional interests such as trade associations, pressure and single issue groups (e.g. the pro breast feeding lobby), professional lobbyists and consultants acting on somebody else's behalf. The situation is so complex that it is sometimes even difficult to distinguish whether or not 'interests' are private. For example, many regional authorities regularly lobby EU Commission officials and politicians, both as 'private interests' but also, nowadays, through the official channel of the Committee of Regions; a fact confirmed by many interviewees. As seen in the previous chapter, sometimes advisors and politicians are actively involved in policy making through public and private channels.

The term 'private interests' includes a variety of slightly differing phenomena and is thus rather vague. However, the thesis is not the appropriate place to explore the finer distinctions between these phenomena. This task has been carried out elsewhere at length; indeed "learned tomes have been written concerning the distinction between interests, lobbies and pressure groups, and political theorists have delighted in feats of verbal dexterity aimed at arriving at precise definitions of, and pointing to precise differences between, each of them." {G. Wootton, *Interest-Groups*, Prentice-Hall, 1970, quoted in Alderman *op.cit.*, p.1}. For such discussions and the semantic disagreements between discussants, see for example, Ball *op.cit.*; Pross *op.cit.*; S.E. Finer, *Anonymous Empire*, Pall Mall, 1966, revised edition; R. Kimber & J.J. Richardson (eds.), *Pressure Groups in Britain: a Reader*, J.M. Dent & Sons, 1974; M. Duverger, *Party Politics and Pressure Groups*, Thomas Nelson, 1972; G. Jordan & J.J. Richardson *Governing under Pressure*, Martin Robertson, 1979; Cawson *op.cit.*, 1985; A.R. Ball & F. Millard, *Pressure Politics in Industrial Societies*, Macmillan, 1986.



Commission has always encouraged their participation and has been "eminently approachable"<sup>2</sup>. Their growth has been exponential since the mid-1980s and Euro-lobbying has apparently become a growth industry.<sup>3</sup> This chapter thus contains an overview of interest representation in the EU which is centred around these issues. Where appropriate, reference is made to earlier theoretical deliberations, but the theoretical framework for the following discussion is borrowed from the field of policy studies.

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Those who are included in the umbrella term of private interests have one thing in common: they all seek to influence policy outcome in their area(s) of interest. The questionnaire on the Single European Market and the Food Industry (Appendix I), defines 'lobbying' as an activity that seeks to influence the official political policy-making process. In accordance with that definition, private interests therefore all lobby and, hence, are sometimes referred to as lobbyists. This is a simple definition of lobbying, but one which was understood by questionnaire respondents and interviewees and which is not inappropriate within the remit of the thesis. For lengthier discussion on the definition for lobbying, see for example most the literature referred to earlier in this paragraph or J. Nonon & M. Clamen, *L'Europe et ses couloirs: Lobbying et lobbyists*, Dunod, 1991, who adopted a simple definition of lobbying similar to the one used in the questionnaire on the Effects of the SEM (Appendix I).

<sup>2</sup> G. Bickerstaffe, 'Lobbying the EEC', *International Management*, June 1982, pp.12-6.

<sup>3</sup> References on the emergence of a growth industry can for example be found in the *Rhein-Neckar Zeitung*, 'Die geheime Macht', 17. Oktober 1990, S.25 or in K. Woolfson 'Lobbyists take on Brussels', *The European*, 28-30 June 1991, p.22. The growth has caused widespread concern about the legitimacy and quality of Euro-lobbying; see for example D. Buchan, 'EC Army of Lobbyists has to Lobby for its Future', and D. Buchan, 'Strasbourg Lobbyists fight to stay on the Outside'; both articles are found in *The Financial Times*, 24 January 1992, pp. 1-2. The EP was so concerned about the growth in lobbying activities that it held a special debate, attempting to improve the quality of lobbying and to better structure the activities of lobbyists. The idea of registering was introduced, following the US and, much more recent, Canadian precedents. {On this point, see M. Rush, 'Registering the Lobbyists: Lessons from Canada', *Political Studies*, 42(4), December 1994, pp.630-45. The debate in the EP did not get very far though, partially because the MEPs could not approve a definition of lobbying, nor a method for registration. {See *European Parliament*, 'The Galle Report on the Representation of Special Interest Groups', Document EN/CM. 118767, PE 154.303, January 1992.} The Commission's 1992 Work Programme also expresses concern over the proliferation of Euro-lobbying. {See, *CEC*, 1992 Work Programme, 1992}

## 5.2. The Proliferation of Interest Representation in the EU

Virtually no European interest activity took place before the second World War, and the two oldest Euro-groups, COPA and UNICE, were founded in 1958. Other groups followed suit, for example BEUC (1963) and trade unions, although ETUC was not founded until 1973.<sup>4</sup> Recently, it has been estimated that there are well over 800 Euro-groups and up to 10,000 lobbyists involved in Euro-lobbying.<sup>5</sup> Consequently, the growth of Euro-groups and Euro-lobbying is a consequence of European integration and there is some evidence of spill-over pressures with regard to their emergence!<sup>6</sup> The role of the Commission in this process is ambiguous. Meynaud and Sidjanski concluded that these groups emerged on their own initiative, with very little encouragement from the Commission.<sup>7</sup> However, the Commission influenced this development at least indirectly because, until the mid-70s, it refused to consult with any private interests that had not formed into a Euro-group. This narrow-minded attitude reflected its early interpretation of European integration as a

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<sup>4</sup> On these issues, see for example Haas *op.cit.*, 1958, 1964; Philip *op.cit.*, 1982 and, particularly, J. Meynaud & D. Sidjanski, *Les groupes de pression dans la Communauté Européenne 1958-1968: structures et actions des organisations professionnelles*, Editions de l'Institut de Sociologie de l'Université Libre, 1971. This is the major study on early developments in group politics and lobbying in the EC.

<sup>5</sup> For confirmation, see for example, O. Gray, *Talking to Governments: a Study Prepared for The Coca-Cola Retailing Research Group Europe*, July 1992; B. Kohler-Koch, 'Changing Patterns of Interest Intermediation in the European Union', *Government and Opposition*, 29(2), 1994, pp.166-80; R.H. Pedler, 'Some Lessons from EU Lobby Cases', in Pedler, R.H. & Van Schendelen, M.P.C.M. (eds.) *Lobbying the European Union: Companies, Trade Associations and Issue Groups*, Dartmouth, 1994, Ch. 15, p.309.

<sup>6</sup> Euro-groups are transnational groups, organised at the European level, concerned with putting their views across in an aggregated form and in respect of European policies. Euro-lobbying is lobbying that aims to influence European policies, Treaties, institutions, etc. - even if some of the lobbyists' activities are carried out at sub-European level.

<sup>7</sup> Meynaud & Sidjanski *op.cit.*

process of homogenisation. Eventually, the Commission's attitude became untenable because of pressures from lobbyists, and it now listens to a much wider range of interests from all corners of the Community and beyond.<sup>8</sup> Nevertheless, it still favours aggregation at the European level and continues to facilitate semi-institutionalised positions for key Euro-groups. This point was confirmed by numerous interviewees who mentioned that, when talking to MEPs or Commission officials, non-Europe wide groups had to be extremely careful not to produce a view that took only their particular national, regional, sectoral, individual or ideological views into account. Apparently, they were more likely to be taken seriously, if they showed that they had a European wide understanding of an issue.<sup>9</sup> Most private interests have not ignored Commission and EP preferences on this matter and, hence, there has been a steady growth of Euro-groups. However, evidence suggests that the creation of such groups is almost exclusively based on tactical considerations and that there is little evidence of a neofunctionalist realignment in terms of values.<sup>10</sup> According to Cawson, some private interests

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<sup>8</sup> This phenomenon suggests that pressure groups can sometimes "force themselves" upon institutional policy-makers; probably in response to new salient policy issues, public opinion, new technical issues, internal reorganisation of previously ineffective pressure groups, etc. As noted by Christiansen and Dowding, this finding contradicts earlier comments by policy analysts who imply that governments are in charge of selecting the pressure groups with which they wish to consult. {L. Christiansen & K. Dowding, 'Pluralism or State Autonomy? The Case of Amnesty International (British Section) the Insider/Outsider Group', *Political Studies*, 42(1), March 1994, pp.15-24.} The authors refer in particular to Dahl's and Richardson and Jordan's past comments on this issue. {R.A. Dahl, 'Rethinking "Who Governs?": New Haven Revisited', in R.Waste (ed.), *Community Power: Directions for Future Research*, Sage, 1986, p.180 and A.G. Jordan & J.J. Richardson, *Government and Pressure Groups in Britain*, Oxford University Press, 1987, p.29.}

<sup>9</sup> See for example the appropriate quotes by some of the survey participants for this study in Section 5.4 (details in footnote 37). This point is also confirmed in secondary literature, e.g. Gray *op.cit.*; 1992; Kohler-Koch *op.cit.*; *Science & Vie Economie*, 'Les dix commandements du lobbyiste bruxellois', no 74, juillet/août 1991, pp.63-4.

attempt to cover the purely tactical nature of their revised Euro-level structures. For example, some firms, such as Philips, have created appropriately named letterhead organisations so as to fake a 'genuine Euro-interest'.<sup>11</sup> However, in most cases, private interests have neither accepted, nor pretended to accept, unreservedly the EP's and Commission's preferred patterns of interaction. On the whole, their organisation and strategies continue to mirror the complicated and multi-level patterns of EU policy-making. This point is substantiated by the changes in lobbying patterns, following the SEA. For example, henceforth, MEPs have been lobbied much more and many more consultants and professional lobbyists have been employed by individuals or groups who aim to influence EU policy-making. Furthermore, many interest groups have carried out internal re-organisations and reassessed their strategies so as to meet the changed conditions.<sup>12</sup>

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<sup>10</sup> Even Haas was aware of the tactical nature of interest group formation but, during his early years of research into European integration, he overestimated the potential of Euro-groups to change values gradually, in response to the structural innovations that these groups constituted. However, Section 5.10 of this chapter shows that, among private interests, there are certain, very limited value changes occurring within the EU that may be provoked by structural adjustments in response to European integration. {See Haas *op.cit.*; all references}. Strong objections against any neofunctionalist interpretation with regard to Euro-lobbying can also be found elsewhere, e.g. in W. Streeck & P. Schmitter, 'From National Corporatism to Transnational Pluralism: Organized Interests in the Single European Market', *Politics and Society*, 19(2), 1991, pp.133-64.

<sup>11</sup> See A. Cawson, 'Interest Groups and Public Policy Making: the Case of the European Consumer Electronics Industry' in Greenwood, J., Grote, J. & Ronit, K. (eds.) *Organised Interests and the European Community*, Sage, 1992, pp.99-118.

<sup>12</sup> This point was variously confirmed during interviews, notably with the CIAA, the CEFS, ASILEC and DTF interviewees. In a small number of cases, interviewees stated that they did not need to have a major reorganisation, following the signature of the SEA, since they were prepared for the changes. For example, the interviewee at CAOBISCO made this point. References to the considerable extent of reorganisation among many groups following the signature of the SEA can also be found in secondary literature such as C. Van der Straten Wailliet, 'Lobbying in the European Community', *International Public Relations Review*, 12(3), 1989, pp.10-6, or, J. Greenwood & K. Ronit, 'Interest Groups in the EC: Newly Emerging Dynamics and Forms', *West European Politics*, 17(1), January 1994, pp.31-52.

5.3. Symbiotic Policy-Making: Trading Off the Need for Expertise and Information for Ease of Access and Widespread Consultation

In part, lobbying in Europe has become an accepted - if not universally desirable - phenomenon because the "EC is a rather open institution" where "access is quite straightforward" and "consultation the norm".<sup>13</sup> This view was confirmed by most interviewees and over 80% of the respondents to the survey on interest representation in the EC. However, there were a number of qualifications. Notably, it is easy to get access to Commission officials, MEPs, members of ECOSOC, but less easy to get access of permanent representatives. Moreover, it is virtually impossible to deal with the CoM and individual ministers at the European level. The ECJ is not open to lobbying. Apparently, it is quite easy to be listened to once, but there will not be a repeat unless lobbyists can show that they know what they are talking about and have something to offer to the policy drafters. The ease of access

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<sup>13</sup> These quotes are all questionnaire comments (questionnaire on lobbying; see Appendix II); the first one was made by Mr. Paul Gray, formally Head of the Food Division in DG III and now a senior advisor to the Commission; the other comments were made by members from Brussels based Euro-trade associations. There are many more similar questionnaire and interview comments and secondary literature confirmed beyond doubt that (initial) access to policy drafters and MEPs was much easier than in most other political systems. On this point, see for example M. Petite, 'Les lobbies européens', *Pouvoirs*, 48, 1989, pp.95-103 or, V. Hoffmann, 'Interessenvertretungen und "Euro-Lobbying"', unpublished synopsis of a forthcoming book on Euro-Lobbying, 1991. {Not to be quoted elsewhere} or Burson-Marsteller *op.cit.*; Lord Clinton-Davis *op.cit.*; Greenwood & Ronit *op.cit.* Although officials and MEPs are easy about receiving lobbyists, it must be reiterated that finding the right person and presenting one's case effectively is a difficult task! If lobbyists are not able to complete this task successfully, they are unlikely to be received on several occasions. Furthermore, Eliassen's & Andersen's *op.cit.* research demonstrated clearly that it is very difficult to access senior level Commission officials and Commissioners and survey evidence indicated that verbal interactions with officials was much more easily achieved than insight into as yet unpublished documents. See for example, the following questionnaire comment by a Head of Unit from DG III in response to Question 6 of the Questionnaire on Lobbying and the Single European Market (Appendix II):

Q: How easy is it for lobbyists to gain access to relevant EC documentation which has not yet been made official or which is not made official at all?

A: In general not easy. "If the subject is particularly sensitive, then impossible."

also depends on the policy in question and the policy priorities of the formal policy-makers.

In theory, the European Community is committed to the values of liberal democracy,<sup>14</sup> and one senior Commission official claimed that "lobbying was intrinsically connected to citizens' right and freedom of access to information" and that "anybody, including individuals, could get access to Commission officials and Parliamentarians". In principle, his statement is correct but, in practice, access is not always that easy, because of the complex nature of EU policy-making, the aloofness of Brussels officials, the diverse resources of private interests:

"Policy-making in the EC, with its myriad committees and incessant meetings conducted in arcane language, remains remote from the mass public."<sup>15</sup>

"Participation in Community decision-making is open to all, but only in the same sense that the Brussels Hilton is also open to rich and poor alike."<sup>16</sup>

"The lobbying environment in Brussels is in some respects complex and a trifle forbidding to newcomers."<sup>17</sup>

Nonetheless, the commitment to liberal democratic values and - in recent years - the need to improve their image, have probably encouraged EU policy-makers to give easier access to lobbyists. More important, the continuous systemic changes have opened up opportunities for lobbying. According to Tyszkiewicz, the EC has become more and more like "modelling clay" in recent years, as a result of policy

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<sup>14</sup> Judging from how little has been achieved to date to reduce the EU's democratic deficit, this commitment has only been upheld in practice in relation to the political systems of the individual member states.

<sup>15</sup> Laffan *op.cit.*, p.141.

<sup>16</sup> Comment by Stephen Crampton in *CECG*, 'The Participation of Consumers in National and European Community Policy-Making in the Run Up to 1992 and Thereafter', Pamphlet 89/8, 1989, p.3.

<sup>17</sup> Gardner *op.cit.*, p.39.

expansion, greater institutional interdependence and ideological influences.<sup>18</sup> Apparently, private interests have been able to exploit this situation. This is not an implausible assumption, although the subsequent discussion illustrates that the need for information and expertise is the main reason why policy drafters grant easy access to private interests. As Beer's ground-breaking study on British interest groups demonstrated, expertise and information have long been the main attractions for close relations with interest groups.<sup>19</sup> However, the dependency on contributions from experts is particularly intense in a quasi-supranational political system.

The European officials have to produce workable policies, all the more, since their legitimacy has been based on efficiency, and not democratic considerations.<sup>20</sup> However, they are generalists who have little knowledge of technical detail. Sometimes they also lack inspiration and time: "...les hommes au pouvoir manquent d'idées nouvelles. Le temps et l'information leur font défaut."<sup>21</sup> They also need to be accustomed to existing legislation in member states in order to be able to anticipate the impact of new European legislation. Consequently, they require technical expertise from people 'in the field', a fact confirmed by all interviewees and by 74 (88%) of the 84 questionnaire respondents. Many of these thought that "technical

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<sup>18</sup> Z.J.A. Tyszkiewicz, *'UNICE: The Voice of European Business and Industry in Brussels'*, Speech given by Tyszkiewicz (Secretary General of the UNICE) to the IREC Conference, 28-30 September 1990.

<sup>19</sup> S.H. Beer, *Modern British Politics*, Faber, 1965.

<sup>20</sup> Rose noted that, in respect of any government, "effectiveness is the first concern of governors." {R. Rose, 'The Nature of the Challenge', in Rose, R. (ed.) *Challenge to Governance: Studies in Overloaded Politics*, Sage, 1980, Ch. 1, p.7.} As De Somogy and Boyce noted, with regard to the EU, the need for *efficient and effective* policy-making is all the more important, given its lack of democratic legitimacy. {J. De Somogyi, 'Economics, Politics and Management of Business Representation', *Business Economist*, winter 1983, pp.39-41; Boyce *op.cit.*, 1993.}

<sup>21</sup> "People in power lack new ideas, time and information". The comment was once made by Jean Monnet and was quoted by Tyszkiewicz. {Z.J.A. Tyszkiewicz, *'Les défis aux entreprises'*, speech made at the UNICE HQ, November 1990.}

expertise was absolutely vital" and that anybody who "doubted his/her knowledge should take an expert along".<sup>22</sup> The need for technical expertise is also reflected in the numerous working groups and committees organised by the Commission, and to a lesser extent by the EP, where technical experts are always represented. Nugent found that these were usually chaired and managed by Commission officials, but that all participants were given opportunities to influence policy.<sup>23</sup>

These findings have given rise to the view that the Commission has been colonised<sup>24</sup> by technocrats and that EU policy-making amounts virtually to technocratic government.<sup>25</sup> In view of the above data, the influence of technocrats on EU policy-making cannot be denied. However, their influence alone does not determine policy outcome, because "technical facts must still be dealt with within the political parameters. The latter can only be overridden completely by technical expertise if they would otherwise lead to completely unrealistic and unworkable policies".<sup>26</sup> This interpretation is substantiated by the earlier finding that Commissioners have sometimes had technically sound policy drafts re-written by their superiors on the grounds that they did not fit into the political agenda of the Commission.<sup>27</sup>

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<sup>22</sup> These views seem representative; see for example, Gardner *op.cit.*; Mazey & Richardson *op.cit.*; S.S. Andersen, 'Towards a Common EC Energy Policy', in Andersen, S.S. & Eliassen, K.A. (eds.) *Making Policy in Europe*, Sage, 1993, Ch. 8.

<sup>23</sup> Nugent *op.cit.*, 1994.

<sup>24</sup> See Section 5.4. for an explanation of the term 'colonisation'.

<sup>25</sup> The notion that technical, non elected expertise dominates certain areas of policy-making was for example explored within the French polity by Thoenig *op.cit.*

<sup>26</sup> This is a short extract from an interview with a Commission official which was carried out during the research trip to Brussels in September 1991. The official emphasised this important point very much, but wanted to remain anonymous.

<sup>27</sup> See Chapter four on the 'relative' freedom of low to middle level Commission officials in charge of policy drafting.



Consequently, the claim that EU policy-making is technocratic government is an exaggeration, although there is one noticeable exception: European standardisation. Policy-making in this area virtually amounts to "private interest government".<sup>28</sup> Private interest government arises for two reasons: Governments can delegate policy-making powers to private interest groups, but, if weak, they can also be 'colonised' by the latter. The case of European standardisation clearly falls into the first category, that is to say the Commission has delegated policy-making responsibilities to CEN/CENELEC.

European standardisation is controlled by two small, but virtually autonomous, bodies: the European Committee for Standardisation (CEN) and the European Committee for Electrotechnical Standardisation (CENELEC).<sup>29</sup> The Commission can still request quality standards for a product, but has to formally work through CEN/CENELEC.<sup>30</sup> For obvious reasons, these two bodies are lobbied but, apparently, access is very difficult because they are private organisations, governed by different laws and rules.<sup>31</sup> The role of CEN/CENELEC has not so far caused

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<sup>28</sup> The term was for example used by Grant *op.cit.*, 1987, and, W. Streeck & P.C. Schmitter (eds.), *Private Interest Government*, London: Sage, 1985.

<sup>29</sup> Gardner *op.cit.*, and confirmed by Dr. O. Gray, a member of the EC Committee of the US Chamber of Commerce, Brussels, during an interview in September 1991. For information on CEN/CENELEC and standardisation, see for example L'ENGREF, *la normalisation et l'Europe: secteurs de l'agro-alimentaire, du bois, et de l'eau*, Editions Romillat, 1992, or, DTI, 'The Single Market: Testing, Certification and Inspection', March 1991, 3rd edition, and, DTI, 'BS 5750/ ISO 9000/ EN 29000: 1987, a Positive Contribution to Better Business', November 1993. This literature points to the importance and desirability of a common standard, even if the principle of mutual recognition has already been enshrined legally.

<sup>30</sup> See for example the Commission's request to CEN to come up with a European safety standard for condoms. {Foreign & Commonwealth Office, *The European Community: Facts and Fairytales Revisited*, FCO Publications, June 1995.}

<sup>31</sup> Gardner *op.cit.* Some interviewees, namely trade association officials, complained about this point. R. Monbiot OBE also mentioned that the delegated responsibilities strongly favoured German traditions of standardisation, because the Germans had been proactive and were now chairing 26 out of 33 committees on standardisation! (Mr. Monbiot, who is a well established consultant on European matters to UK businesses and MNCs, was interviewed for this policy study in spring 1992.)

waves among scholars of European politics, but these developments are extremely exciting to analysts of public policy-making and probably exceedingly alarming to all those who believe in public accountability. After all, it *may be* possible that the delegation of public responsibilities to a private body is not fully reversible.<sup>32</sup> Furthermore, the issue of standardisation is not entirely apolitical. Within nation states it has frequently been used as a form of hidden protectionism, whereas the elaboration of a European standard will reinforce the free market logic behind the SEM.<sup>33</sup>

#### 5.4. Capture Theory, Statism and the Breakdown of Institutional Barriers

It could be inferred from the above findings that European policy-making has been colonised or captured by private interests.<sup>34</sup> Indeed, certain observers have adopted

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<sup>32</sup> Ronge produced some evidence that such a situation is feasible under certain conditions. However, it would be unwise to make inferences, since his evidence came from an entirely different context. Nonetheless, his findings indicate that 'private interest government' could alter the relationship between government and private interests beyond scenarios originally envisaged by the government agencies. {V. Ronge, *Bankpolitik im Spätkapitalismus*, Suhrkamp, 1979.} H.J. Jacck, 'Business Interest Associations as Private Interest Governments', in Grant, W. (ed.) *The Dairy Industry: an International Comparison*, Dartmouth Publishers, 1991, Ch. 3 supplied evidence of private interest government in some sectors of the food industries of some European countries.

<sup>33</sup> For confirmation, see for example, D. Grose, 'Food Standards as a Policy Instrument', in Burns, J. et al. (eds.) *The Food Industry: Economics and Politics*, Heineman, 1983, Ch. 13, and, H. Adam, 'normes et normalisation - de quoi s'agit-il?', in L'ENGREF *op.cit.*, pp.11-28.

<sup>34</sup> There are a number of approaches to group representation which claim that groups can come to dominate government agencies, be it because the latter are inefficient, overloaded or politically amenable to this phenomenon. These approaches have variously been referred to as colonisation or capture of groups, or clientelism or pantouflage. The latter imply more amenability on behalf of government agents, but all concepts are cognate. {For more details, see for example M. Atkinson & W.D. Coleman, 'Strong States and Weak States', *British Journal of Political Science*, 19(1), 1989, pp.47-67.} Capture theories have been questioned by authors who believe that government agents are in a strong position to remain autonomous. {See for example, P. Birnbaum, 'States, Ideologies and Collective Action in Western Europe', in Kazancigil, A. (ed.) *The State in Global Perspective*, Gowar, 1986, pp.232-49, or, particularly, E. Nordlinger, *The Autonomy of the Democratic State*, Harvard University Press, 1981, for an extensive and classic defence of state autonomy.}

this view. For example, Louyot and Geoffroy reported that there were "...innombrables lobbies qui font le siège des institutions communautaires" in Brussels.<sup>35</sup> However, this would be a misleading interpretation, because official policy-makers have developed a series of measures to prevent colonisation. Some of these have been mentioned in the previous chapter; others include the manipulation of timing. For example, several lobbyists, who participated in the surveys for this study, complained that Commission officials rarely left them sufficient time to respond adequately to drafts. The point was raised also by an astute Personal Assistant of a German MEP, but in relation to the Commission's manipulation of the political time-table vis-à-vis the EP. This comment underlines several other points, too, namely the informal ways in which the Commission attempts to assert its influence, the pressures that individual member governments and the CoM exert upon time-tabling and the EP's almost pathetic endeavours to prove its validity as a mature policy participant!

"Man kann natürlich auch mit der Zeit Politik machen; zum Beispiel erleben wir es, daß die Kommission manche Vorschläge, obwohl sie sehr wichtig sind, sehr, sehr kurzfristig vorlegt, die dann so richtig durchs Parlament gepeitscht werden müssen, weil bestimmte Länder drängen, weil der Ministerrat eine Entscheidung treffen will, und weil man sich als Parlament nicht den Vorwurf zustehen will, daß das Parlament nun dies oder das verhindert hat, weil es nicht rechtzeitig Stellung nahm. Da gibt es schon oft Zeitdruck und Zugzwang, dass man eigentlich sagen muß es ist schlimm, daß man nicht sorgfältiger beraten kann."<sup>36</sup>

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The belief in state autonomy is usually referred to as 'statist' or 'institutionalist' and is conceptually linked to institutionalist views of inter-state relations and of social change in general in that it is based on assumptions of the 'power and stickiness' of established institutions (see also Chapter three). Like classical pluralists, capture theorists emphasise the power of private interest groups, but do not necessarily assume that many groups get to be in powerful situations. On the contrary, there is often an assumption that a small elite of groups dominates specific policy sectors. Such relationships have also been referred to as 'pantouflage' or 'clientelism'; for an appropriate statement on pantouflage and clientelism, see for example S.N. Eisenstadt & L. Rongier, *Patrons, Clients and Friends*, Cambridge University Press, 1984.

<sup>35</sup> "...numerous lobbies that besiege the community institutions..." A quote from A. Louyot & F. Geoffroy, 'Le vrai pouvoir des Eurocrates', *L'Express*, (2150), 25 septembre 1992, pp.20-4.

Intense pressures to produce legislation have also renewed the Commission's preference to work with aggregated interests: "direct intervention, even by large organisations is not always successful, particularly because the Commission prefers aggregated opinions" or "too many cooks spoil the broth; you need aggregated opinions."<sup>37</sup> Yet, aggregated opinions are often not all that influential, because they are too general; a lesson which both UNICE and CIAA have learnt.<sup>38</sup> The trend towards Euro-groups also provides Commission officials with extra opportunities to exploit inevitable divisions among private interests.<sup>39</sup> There is also no evidence that lobbyist's influence the Commission in its choice of policy instruments, even though the repercussions of a regulation are markedly different from that of a directive.<sup>40</sup>

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<sup>36</sup> Part of an interview with the Personal Assistant to a German MEP, Bonn, July 1991. "Of course, it is possible to engage in political games by manipulating the policy time-table. For example, the Commission sometimes produces policy drafts at very, very short notice, even though they are very important. These policy drafts must then be whipped through Parliament, because some member states are pushing for a decision, or the CoM wants to take a decision as soon as possible, or because Parliament does not want to be accused of delaying this or that because it has not adopted an official opinion within the time limits set by the policy procedures. As a result, there are significant time constraints and pressures to come to decisions and, hence, it is lamentable that there is not more time for careful discussion."

<sup>37</sup> Quotes from two different respondents to the questionnaire on Lobbying and the Single European Market (Appendix II). The point was also reiterated by many of the people interviewed for this study, namely from sectoral associations, i.e. CAOBISCO, ASILEC, DTF, but also by both interviewees from CIAA. This finding confirms the appropriate deliberations in Section 5.2.

<sup>38</sup> See Section 5.7 and Chapter seven for more details on the performances of UNICE and CIAA, as well as, more generally, W. Grant, 'Pressure Groups and the European Community: an Overview', in Mazey, S. & Richardson, J.J. (eds.) *Lobbying in the European Community*, Oxford University Press, 1993, pp.27-46.

<sup>39</sup> This point was conceded by most of the interviewees referred to in footnote 37.

<sup>40</sup> Lodge reported that, officially, the type of policy decision is made between the Commission and its legal service but that it is influenced overtly by the wishes of the member states. She did not mention lobbies, and neither did any other commentators referred to in the thesis; hence, the *assumption* expressed in the main text that they may not influence this choice{J. Lodge, 'EC Policy-making: Institutional Dynamics', in Lodge, J. *op.cit.*, 1993, Ch. 1.}

Some eight of eleven respondents to the follow-up questionnaire and several interviewees stated that policy drafts reflected the amalgamated input of Commission officials, MEPs, national civil servants and private interests.<sup>41</sup> Many survey participants also agreed that lobbyists and Commission officials needed each other. Consequently, their relationship is symbiotic and private interests can hardly be decried as dangerous parasites.<sup>42</sup> Nevertheless, the boundaries at the interface between private and public spheres may become blurred. Nine of the eleven respondents to the follow-up questionnaire on interest representation agreed with this view and confirmed that small policy groups, which included a variety of actors, tended to emerge around specific policy areas, at least during the drafting stage.<sup>43</sup>

Thus there is little evidence to support any notions of systematic colonisation by private interests, but some evidence of the blurring of boundaries between the private and public spheres. It must however be emphasised that this situation usually takes place away from the CoM and its immediate staff who tend to be aloof and very difficult to access.<sup>44</sup> All 84 questionnaire respondents substantiated this allegation. Hence, there is no blurring of boundaries at the decision-making stages where the representatives of national interests continue to play a distinct role. This

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<sup>41</sup> For details on the follow-up questionnaire to the questionnaire on lobbying and interest representation, designed for this study, see Appendix II. Interviewees from various walks of life held this view, e.g. several of the representatives from national trade associations emphasised the point, as well as Brussels based lobbyists and bureaucrats.

<sup>42</sup> Elsewhere, the interaction has been labelled aptly "une subtile dialectique", i.e. a subtle dialectic process. {*Le Monde*, 'Vive le lobbying', 18 juin 1991, p.27.}

<sup>43</sup> Chapter six contains a discussion on the search for an appropriate conceptual framework for this finding and Chapter seven and the remainder of this chapter contain more empirical evidence of the phenomenon.

<sup>44</sup> This point was for example confirmed by a UK civil servant in the Permanent Representation.

finding lends some weight to intergovernmentalist interpretations of the EU. However, it must be borne in mind, that national autonomy is increasingly compromised by the EP and QMV, at least in some areas. Moreover, national policy actors have been exposed to a mixture of pressures at member state level and their policy stance may have been mediated by these.<sup>45</sup> Finally and despite the secrecy of the CoM, it is evident that ministers frequently trade off national interests in complex series of 'package deal voting'.<sup>46</sup> Indeed, a source close to ministers let slip that, in the CoM, "there was a lot of horse trading at five past midnight". Whatever concerns that remark might conjure up, it seems that such deals are accepted, for, as one MEP put it (in 1992): "With twelve starting points a trade off is essential."<sup>47</sup>

#### 5.5. The EU: a Pluralist Heaven?

The answer to this question depends on what is meant by 'pluralism'. The EU can be described as 'pluralist', if the term describes a commitment to a variety of institutional and non-institutional actors, freedom of speech and association, access to information and policy-makers. However, it would be indefensible to associate the EU with fully blown pluralist state theory, as developed early in the 20th Century by English thinkers such as Figgis or Laski. They did not analyse political systems, but produced normative state models, based "on a complex vision which tries to

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<sup>45</sup> This view is substantiated elsewhere, e.g. by Bulmer *op.cit.*, 1982, George *op.cit.*, 1991, Laffan *op.cit.*, 1992 and Lodge *op.cit.*, 1993, Ch. 1.

<sup>46</sup> See subsequent sections and chapters, as well as, e.g. the famous "Sheepmeat Trade off", referred to in Mazey & Richardson *op.cit.*, 1993, or the final "complex package of measures" that brought the Community's banana drama to an end. {See, e.g. R.H. Pedler, 'The Fruit Companies and the Banana Trade Regime (BTR)', in Pedler, R.H. & Van Schendelen, M.P.C.M. (eds.) *Lobbying the European Union*, Dartmouth, 1994, Ch.3, p.81.}

<sup>47</sup> The first quote comes from a person who volunteered to be interviewed at length for this study but who insisted that, with regard to this comment, anonymity must be maintained. This person has worked closely with European and national politicians and civil servants for several decades. The second quote is from a questionnaire respondent.

incorporate maximal diversity of group life within an over-arching authority."<sup>48</sup> These were neither well known, nor clearly developed, partially because of the thinkers' approval of pragmatism, and fear of any form of authority that could undermine the freedom of groups. However, the rejection of centralism, interventionism, bureaucracy as well as, at the other end of the spectrum, individualism, indicates that they are inadequate even as an analytical tool with regard to the EU.

Path-breaking works such as The Process of Government, The Group Basis of Politics or Who Governs? ensured that the notion of pluralism became increasingly associated with the role of interest groups in the policy process.<sup>49</sup> This development seems most relevant to the current discussions, even though early conceptualisations of pluralism have since been widely criticised, either because they have not been differentiated or because they have been based on normative assumptions.<sup>50</sup> For example, early pluralists thought that the conflict between groups ensured equal opportunities, with regard to access and influence potential. They also paid little attention to the internal constellations of groups, to relationships between groups and, worst of all, they treated government agencies as if they had no identity of their own.

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<sup>48</sup> Vincent *op.cit.* p. 215.

<sup>49</sup> A.F. Bentley *op.cit.*; E. Latham, 'The Group Basis of Politics: Notes for a Theory', *American Political Science Review*, 46(2), June 1952, pp.376-97; Dahl *op.cit.*, 1961.

<sup>50</sup> For appropriate critiques, see for example, M. Olson, *The Logic of Collective Action: Public Goods and the Theory of Groups*, Harvard University Press, 1965; G.D. Garson, *Group Theories of Politics*, Sage, 1979; C. Ham & M. Hill, *The Policy Process in the Modern Capitalist State*, Harvester Wheatsheaf, 1984; S.M. McLaughlin & P.A. Sabatier, 'Belief Congruence Between Interest Group Leaders and Members: an Empirical Analysis of Three Theories and a Suggested Synthesis', *Journal of Politics*, 52(3), August 1990, pp.914-35.

The critiques also brought forth a number of reconceptualisations and refinements. Virtually all observers came to accept that competition among groups was incomplete, even though they did not agree on the exact nature of preferences. For example, neo-Marxist conceptualisations emerged, arguing that "incomplete competition" was based on class cleavages.<sup>51</sup> Others discovered elitist oligopolies, based on different societal cleavages, e.g. technocratic expertise, legal expertise, a plurality of elites that vary from system to system, and intent on preserving their privileged position.<sup>52</sup> In 1977 Lindblom rekindled the argument that economic and industrial interests were innately advantaged in a capitalist society, but from a non-Marxist point of view.<sup>53</sup> Basically, he argued that "business and businessmen are accorded a place of peculiar privilege within society" because "government cannot, for ideological reasons, systematically transgress market logic."<sup>54</sup> Lindblom's arguments have sometimes been termed neo-pluralist and this is the expression used here.<sup>55</sup> It has already been established that the EU cannot be understood from a one-dimensional economic point of view. However, Lindblom's argument needs to be

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<sup>51</sup> The term was coined by R. Miliband, *The State in Capitalist Society: an Analysis of the Western System of Power*, Weidenfeld and Nicholson, 1969.

<sup>52</sup> See for example, Garson *op.cit.* or, R. Dahrendorf, *Class and Class Conflict in Industrial Society*, Routledge and Kegan Paul, 1959, or, T.J. Lowi, *The End of Liberalism*, Norton Publishers, 1979, 2nd edition. Lowi argued that elites tried to create a superficial picture of pluralism so as to safeguard their oligopolies beneath a surface of imagined equality. McFarland agreed with this view and also pointed out that oligopolies endeavoured to adhere to consensual policy-making so as to prevent challenges to their oligopolies. Pross made the same point. {A.S. McFarland, 'Interest Groups and Theories of Power in America', *British Journal of Political Science*, 17(2), 1987, pp.129-47; Pross *op.cit.* }

<sup>53</sup> C.E. Lindblom, *Politics and Markets*, Basic Books, 1977.

<sup>54</sup> S. Wilks & M. Wright (eds.) *Comparative Government-Industry Relations: Western Europe, the United States and Japan*, Clarendon, 1987, p.292 writing about Lindblom and broadly approving of his view.

<sup>55</sup> See particularly M.J. Smith, 'Pluralism, Reformed Pluralism and Neo-pluralism: the Role of Pressure Groups in Policy-Making', *Political Studies*, 38, 1990, pp.302-22.



considered because some commentators maintain that "the European Community is made for big business".<sup>56</sup>

Some pluralists accepted the concept of "incomplete competition", but rejected the idea of durable oligopolies, and emphasised the diversity and extent of interest group politics<sup>57</sup> Regrettably, these "reformed pluralists" also failed to discuss adequately the relationship between informal and formal policy-makers.<sup>58</sup> Hence, the notion of "incomplete competition" is not suited for in-depth analysis, but it may explain partially EU policy-making, given the comparative ease with which lobbyists can access EU officials and politicians.

In the context of the EU, it is also necessary to examine the concept of neo-corporatism.<sup>59</sup> This particular interpretation of group relations has evolved from the

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<sup>56</sup> This comment was made by a Brussels based consultant/lawyer, but has been voiced elsewhere, too, e.g. by the British Labour MPs Tony Benn and Peter Shore and in S. Bowler, 'Government-Business Bargaining and the Impact of EC Institutions: the Lindblom Problem', *Political Studies*, 36, 1986, pp.524-32.

<sup>57</sup> This view was particularly widespread in the USA because lobbying has always been extensive there. Despite his famous essay entitled *Pluralism Revisited*, Dahl must for example be counted among the 'reformist pluralists' {R.A. Dahl, 'Pluralism Revisited', in Ehrlich & Wootton *op.cit.*, Ch. 2.}. The pre-eminence of this concept in US literature on group politics is also noticeable in more recent works, e.g. T.F. Eagleton, *Issues in Business and Government*, Prentice Hall, 1991, especially Ch. 1.

<sup>58</sup> Re-interpretations of pluralism have been given many labels. Reformed Pluralism is a term used by M. Smith in his discussion on the evolution of pluralism; Smith *op.cit.*, see also footnote 55; Smith's term is adopted in the thesis.

<sup>59</sup> This is also the view of Greenwood & Ronit *op.cit.* The term neo-corporatism is used here so as to avoid any confusion with the state corporatism that formed part of Italian Fascism. Neo-corporatism is sometimes referred to also as societal corporatism and sometimes simply as corporatism, or even as corporate pluralism. See for example, K. Von Beyme, 'Neo-Corporatism: a New Nut in an Old Shell?', *International Political Science Review*, 4(2), 1983, pp.173-95.

pluralist debate but maintains that, in societies where social cleavages are low, high levels of aggregation lead to policy being made by small clusters of relevant groups and state agencies who co-operate so as to produce widely acceptable policies. On the whole, policy actors are thought to adopt a consensual policy style which makes for efficient policy-making. Many scholars of neo-corporatism do not just describe this phenomenon but appear to approve of it, too. Hence, in their view "the best policy was one that gained agreement."<sup>60</sup> Usually, interest groups that are part of the policy cluster are semi-institutionalised, enjoying an automatic right to consultation, although state-group relationships ultimately remain optional and groups cannot rely entirely on their privileged positions.<sup>61</sup> It is assumed that such developed structures of interaction will yield greater political power than more contingent arrangements.<sup>62</sup> Classical neo-corporatism has been applied at the macro-level and, mainly, to the tripartite policy clusters between agents of the state, employers' representatives and trade unions. Yet, in the meantime, a wide variety of meso- and micro-level studies

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It is conceptually closely related, but slightly different from Rokkan and Heisler's notion of 'corporate pluralism' which is more closely related to reformed pluralism, at least where the latter refers to constellations that are heavily institutionalised and characterised by a relatively small number of policy actors. The expression 'corporate pluralism' is not used in this thesis, since it is not possible to satisfactorily differentiate between reformed and corporate pluralism on the one hand and corporate pluralism and neo-pluralism, when applied in general terms, on the other hand. This brief excursion into the semantics of group politics demonstrates the confusion over expressions and the tendency to invent and re-invent new terms for old concepts. Regrettably, this tendency weakens the debate. For a statement on 'corporate pluralism', see for example M.O. Heisler, 'Corporate Pluralism Revisited: Where is the Theory?', *Scandinavian Political Studies*, 2(3), 1979, pp.277-87.

<sup>60</sup> Jordan & Richardson *op.cit.* 1979, p.22.

<sup>61</sup> A point confirmed for example by B. Keller, 'Interessenorganisation und Interessenvermittlung', *Kölner Zeitschrift für Soziologie und Soziale Psychologie*, 42(3), 1990, pp.502-24, or, by Bull *op.cit.*

<sup>62</sup> Streeck & Schmitter *op.cit.*, 1985. Coleman found this assumption to be true in respect of Banking Interests in Germany. {W.D. Coleman, 'Banking Interest Intermediation and Political Power', *European Journal of Political Research*, 26(1), 1994, pp.31-58.}

have emerged, all centred around the notion of neo-corporatism. Consequently, neo-corporatism may have some bearing on EU policy-making, even though the latter can hardly be described as a system with few societal cleavages.

Whatever the shortcomings of the various aspects of pluralist debate, they promise to cast some light on the data on EU policy-making presented so far. However, it is necessary to answer three more questions, before a thorough evaluation can be made. How uneven is access in reality? Do economic and industrial interests occupy a very special position? How much can interest groups influence policy outcome?

#### 5.6. Access, Insiders and Outsiders

Some means of getting privileged access have already been discussed: technical expertise, good knowledge of the system and presentation of aggregated Euro-opinions. However, according to the survey data collected for this study, the matter is far more complex. For example, Table 2, which is based on data gathered from the first stage of field research for this study, demonstrates that newcomers, lacking personal contacts, may be disadvantaged, at least if they cannot offer high levels of expertise.

Interviews and other surveys confirmed that lobbying was "also about who you know" and that it "depends much on personal relations. Sometimes, these relations decried the idea of preferentialism based on personal contacts; instead they tended to stress the importance of expertise and lobbying skills.

Table 2

Questionnaire: Lobbying and the Single European Market:

Question 8: How important are personal contacts with EC officials  
as far as lobbying is concerned?

Very important	43	(51.5 %)
Quite important	16	(19 %)
Important for access, but not with regard to influencing policy	2	(2.5 %)
Important, but less important than technical know how/information	13	(15.5 %)
Not important	2	(2 %)
Don't know	3	(3.5 %)
No answer	5	(6 %)
<hr/>		
Total valid answers	84	(100 %)

Table 3, which is also based on data from the second mail survey carried out for this study (Appendix II), suggests that, beneath the surface, national preferences may also influence access patterns and lobbying outcome. Interview comments and secondary literature substantiate this view: "Dear me, what an ignoble thought. [YES!!] Numerous cases can be cited."<sup>63</sup>

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According to an MEP's comment, access is also extremely difficult in some sensitive policy areas: "Food, environmental legislation - fairly open; thermonuclear fusion research programme - very arcane - very expensive - completely closed." Another MEP complained that it was extremely difficult to have a say in foreign policy issues, even for MEPs, let alone for private interests. In some policy areas, access is heavily distorted by political priorities and established routines. Agricultural policy is the classical example and deserves special attention. These findings are confirmed by the research carried out for this study, especially as far as the comments on food and agricultural policy-making are confirmed.<sup>64</sup>

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<sup>63</sup> Questionnaire comment from an EC official; unfortunately he/she did not cite any of these cases! A number of respondents and interviewees made similar comments and a couple said that the division was more noticeable between the Northern and Southern parts of the EU than between individual countries. Interestingly, one participant claimed that overzealous officials occasionally discriminated against nationals, in an effort to ensure that the "European" principle was not undermined. It seems however, that this is a rare exception. The figures in Table 3 and the comments relate to European officials only, and not to civil servants in the Permanent Representations; these blatantly favour national lobbies, since this is part of their script. Views on MEPs are varied, but there is a sense that some of them favour national lobbies and/or particular interests. Although these allegations are largely subjective and should not be overrated, the data is substantiated by secondary literature; see e.g. M. Burrell, 'Key to Unlock a Lobby Door', *Kangaroo News*, April 1991, p.6 (with reference to Commission officials); *The Economist*, 'Uncivil War in the European Community', 326(7796), 30 January 1993, p.43 (with reference to 'nationalism' and related preferences among Commissioner); R. Watson, 'MEPs Army of Helpers maintain their Secrecy', *The European*, 10-16 February 1995, p.1. (with reference to national/specific preferences among a small number of MEPs and their staff). However, there is also evidence that the EU's supranational institutions are increasingly able to lessen the cultural impact of national socialisation. For example, the Burson-Marsteller study found considerable evidence of 'Europeanist idealism' among Commission officials. (Burson-Marsteller *op.cit.*). Progress to overcome national divisions among MEPs has been particularly marked, although not entirely successful. This progress is symbolised by the EP's structure which is now based on grouping along party, and not national, lines. On this issue, see for example, S. Hix, 'The Emerging EC Party System? The European Party Federations in the Intergovernmental Conference', *Politics*, 13(2), 1993, pp.38-46, or, Boyce *op.cit.*, 1995.

<sup>64</sup> Agricultural policy-making is discussed briefly in the remainder of this Section (5.6) and food policy-making is examined in Chapter seven.

Table 3

Questionnaire: Lobbying and the Single European Market:

Question 9: Does nationality play a role in the outcome of lobbying activities  
with EC institutions?

Nationality matters quite a lot	20	(24 %)
Nationality matters only marginally	26	(31 %)
Nationality matters only as far as language is concerned	17	(20.5 %)
Nationality does <u>not</u> matter	14	(16.5 %)
Don't know	4	(4.5 %)
No answer	3	(3.5 %)
<hr/>		
Total valid answers	84	(100 %)

For decades a small cluster of officials, politicians and private interests have worked together to set up and manage the Common Agricultural Policy (CAP). This situation arose because of the central position of the CAP in the early stages of integration, and the convergence of key interests among the most influential policy-makers which are the national farming lobbies, national governments, Euro-level farming lobbies (especially COPA/COGEA) and staff in DG VI which is responsible for the CAP.<sup>65</sup> Before direct elections broadened the political spectrum

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in the EP, the latter generally supported these interests, too.<sup>66</sup> Driven by political considerations, these policy-makers have produced one of the most absurd policies in modern times.<sup>67</sup> The consequences have been dire: overproduction and market distortion, excessive cost, fraud, inequality regarding subsidies, ridicule and outrage, both inside and outside the EU.<sup>68</sup>

Many of the studies on the CAP infer that the close interaction among these policy-makers leads to a break-down of the boundaries between the private and public

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<sup>65</sup> For detailed discussions on the nature of the CAP and its consequences on EU policy-making and integration, see for example, J. Pearce, *The Common Agricultural Policy*, Routledge and Kegan, 1981; G. Schmitt, 'Agricultural Policy Decisions in the EC: Consequences of Institutional Imbalance', *Food Policy*, November 1986, pp.334-44; J. Burtin, *The Common Agricultural Policy and its Reform*, Periodical 1/1987, Publications of the European Communities, 1987, 4th edition; G. Maier, *Agrarpolitik*, Publikation der Bundeszentrale für politische Bildung, 1989. Most standard textbooks on the EU and policy-making also contain a summary of the CAP; Nugent's (*op.cit.*, 1994) chapter is particularly valuable.

<sup>66</sup> See for example J. Pinder, *European Community: the Building of a Union*, Oxford University Press, 1991, p.89.

<sup>67</sup> See for example, J. Tarrant, 'A Review of International Food Trade', *Progress in Human Geography*, 9(2), 1985, pp.235-54; G. Hendriks, 'The Politics of Food', *Food Policy*, February 1987, pp.35-45; Hendriks *op.cit.*; *The Economist*, 'Grotesque: a Survey of Agriculture', 325(7789), 12 December 1992, special survey inset, following p.74; F. Butler, 'The EC's Common Agricultural Policy (CAP)', in Lodge, J. (ed.) *op.cit.*, 1993, Ch. 6.

<sup>68</sup> See earlier comments in Chapter four on cost and fraud. For the other issues, see for example, *The Economist*, 'Europe's Farm Subsidies: Milking the Sacred Cow', 311(7627), 2 December 1989, pp.109-10; *The Economist*, 'Europe's latest Farming Muddle', 318(7695), 23 February 1991, pp.14-5; J. Moal, *The Food Markets of the Future*, Paper delivered to CEPS business policy seminar no. 41, Brussels, 18 February 1992. Another commentator, G. Stevenson, is particularly outraged about the inequality that the CAP has actually caused among farmers, despite its ambitions to be fair to all farmers. He claimed that about three quarters of the CAP budget went to the largest 20% of the farmers, exporters and agribusiness interests. He also rightly deplored that the CAP had done very little to protect farm workers. {G. Stevenson, *The Food Magazine*, January-March 1991, pp.20-1.}

sphere.<sup>69</sup> In some instances, a 'quasi private interest government' by delegation has evolved. For example, Article 7(1)(e) of Regulation (EEC) No 1696/71 enables producer groups to manage the production aid scheme for hops. Article 15 of Regulation (EEC) No 1035/72 allows fruit and vegetable producer groups to withdraw produce from the marketing channels and make reimbursements, if they perceive there to be a crisis on the market.<sup>70</sup> However, interaction varies across the CAP and, in some areas, producers play a lesser role. For example, De Koning noted that DG VI had not even consulted producers when it formulated a directive for pesticide.<sup>71</sup> Recently, the Agricultural Commissioner boldly rejected COPA's conclusion that proposed GATT provisions were incompatible with the CAP reform. He argued that COPA's forecasts were erroneous and unacceptable.<sup>72</sup> In view of such evidence, most close observers of the CAP concluded that, when it counted, "DG VI remained autonomous [in relation to private interests]".<sup>73</sup> Hence,

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<sup>69</sup> See for example, CEEG, 'Information Paper on Decision-Making under the Single European Act', Pamphlet 89/12, 1989; O. Gray, *Pressure Groups and their Influence on the Common Agricultural Policy and its Reform in the European Community*, unpublished PhD thesis, University of Bath, June 1990; T.T. Nielsen, 'Aspects of the EEC Influence of European Groups in the Decision-making Processes: the Common Agricultural Policy', *Government and Opposition*, 6, 1971, pp.539-58; Mazey and Richardson *op.cit.*, 1992; D. Watts, 'Lobbying Europe', *Talking Politics*, 5(2), 1993, pp.115-20.

<sup>70</sup> CEC, SEC (90)562 final, Brussels 26 October 1990.

<sup>71</sup> M. De Koning, 'Taking Care of Business', *European Affairs*, 1991, pp.29-31.

<sup>72</sup> CEC, The Week in Europe: GATT and CAP, WE/14/93.

<sup>73</sup> Gray *op.cit.*, 1990, p.540; see also, De Koning *op.cit.*; Hendriks *op.cit.* (both references), Harrop *op.cit.*; A few of the German professionals interviewed for this study in Bonn during summer 1991 stated that the "German Bauernverband" had more influence with the German Ministry for Agriculture, Fisheries and Forestry than the producer lobbies at European level with DG VI. In the case of France, farmer lobbies are very influential, partially because of their high profile and continued public support. {See e.g. J-Y. Capul & D. Meurs, *Les grandes questions de l'économie française*, Nathan, 1988, Ch. 1: Agriculture; G.P. Malpel, 'Les agriculteurs français face au marché unique', in L'ENGREF *Le marché unique européen*, Editions Romillat, 1991, pp.268-71; *Le Quotidien de Paris*, 'Agriculture: l'Europe victime du GATT...et de la Commission', 19 mars 1992, p.11.}



Commission officials are not captured by the producers, nor have the boundaries between the private and public spheres been permanently blurred. This finding supports earlier comments on the Commission's ability to safeguard its autonomy.

The EEC Treaty states that the management of the CAP shall "...exclude any discrimination between producers or consumers within the Community."<sup>74</sup> Yet, producers have held traditionally 50% or more of the seats, available to private interests, on the many agricultural committees and working groups.<sup>75</sup> Processors, retailers and consumers have found it very difficult to make their voices heard and many other private interests, such environmental groups, animal welfare groups, have found access difficult, especially initially. It is feasible to describe this situation as loosely neo-corporatist, however the newer concept of 'policy community' may be more appropriate, since it has none of the macro-connotations attributed to neo-corporatism, but describes closely knit policy clusters.<sup>76</sup>

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According to Smith, British farmers have also had very privileged relationships with MAFF, at least until relatively recently. {M. Smith, 'From Policy Community to Issue Network: Salmonella in Eggs and the New Politics of Food', *Public Administration*, 69(2), 1991, pp.302-22.} A similar view was expressed by A. Charlesworth, N. Collins & I. Bradbury, 'Agricultural Partner Under Pressure', *Politics*, 10(1), 1990, pp.3-8. Harrop *op.cit.*, p.95, noted that the situation was no different in "...the smaller countries with fewer farmers..."

The findings referred to in this footnote (73) indirectly support the claim that DG VI is not captured entirely by the European farming interests.

<sup>74</sup> EEC Treaty *op.cit.*, Art. 40(3).

<sup>75</sup> See for example, J. Pearce, 'The Common Agricultural Policy: The Accumulation of Special Interests', in Wallace, H. et al. *op.cit.*, Ch. 5; CEEG, 'The Participation of Consumers in National and European Community Policy-Making in the Run up to 1992, and Thereafter', Pamphlet 89/8, 1989; CEEG, 'EC Agriculture and the Environment', Pamphlet 90/20 Draft, 1990. The point was also made by interviewees and questionnaire respondents participating in this study, including Stephen Crompton from CEEG and all interviewees connected with the potato *processing* industry.

There is a hierarchy among producer groups too, with COPA/COGEA being by far the most influential producer Euro-groups. Compared to these two organisations, many small producer groups have been disadvantaged. {See e.g. Stevenson *op.cit.*; also interviews carried out for this thesis.} This point is however often overlooked because COPA/COGEA has, at least until recently, represented the bulk of farmers' interests. {See Nugent *op.cit.*, 1994}.

The close agricultural policy community has recently come under strain because the policy context for European agricultural policy-making has changed. Budgetary restraints have become ever more urgent and "...quotas and monetary compensatory amounts are obstacles to the 1992 programme."<sup>77</sup> Consequently, the "CAP protection for farmers has gradually cracked open; like other repressive regimes, in the end, they are toppled."<sup>78</sup> Notably, the food processors have organised themselves much better and demanded more say in agricultural policy, since they are the producers' largest customers (70%).<sup>79</sup> Food retailers too are actively seeking a voice in agricultural policy-making,<sup>80</sup> and the consumers and environmentalists have been able to gain insider status.<sup>81</sup> Challenges have also come from within the

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<sup>76</sup> See e.g. Smith *op.cit.* 1990; Mazey and Richardson *op.cit.*; Parliamentary Affairs..., 1992; The concept of policy communities is discussed in Chapter six and, in relation to EU food policy-making, in Chapter seven.

<sup>77</sup> M. Evanson, 'Milk and Milk Products: Implications of 1992 for the UK Dairy Sector', *Food Policy*, April 1990, p. 132.

<sup>78</sup> This comment was made by Mr. Evanson of DTF, UK, (see footnote 77) during an interview that he granted to the author of this policy study and which was carried out in London at the DTF HQ during autumn 1992.

<sup>79</sup> This point has been made several times during interviews for this study but has also been confirmed widely elsewhere, e.g. in *Eurofood*, 'CAP Reform According to Mac Sharry', February 1991, p.2; by the UK Food and Drink Federation in *FDF*, 'The Development and Future of the CAP', Commission Proposals, Com(91) 258 Final), Briefing Paper 694.hw., 1991 and by its French equivalent, Association Nationale des Industries Agro-Alimentaires (ANIA) during an interview with one of ANIA's senior staff in Paris at ANIA's HQ during winter 1992. Finally, Burtin *op.cit.*, p.71, noted that "...it is clear that the future of Community agriculture is now largely in the hands of its main customer, the processing industry."

<sup>80</sup> A view expressed by various interviewees who participated in this study, namely from BV Zuckerverein, REWE, private businesses, including the export director of Ritter Schokolade. Similar views have been expressed elsewhere, e.g. in B. De Vroom, 'The Food Industry and Quality Regulation', in Grant, W. (ed.) *The Dairy Industry: an International Comparison*, Dartmouth Publishers, 1991, Ch. 10, or, G. Stahr et al., *CMA-Betroffenheitsanalyse EG-Binnenmarkt 1992*, Publikation der Centralen Marketinggesellschaft der Deutschen Agrarwirtschaft MBH, 1991, Kpt. 10.

Commission itself, notably from DG III which objects to the dirigiste undertones in DG VI, from DG XI (Environmental Directorate) and the Commission's Consumer Service.<sup>82</sup> These transformations mirror primarily a changing political climate, but, with regard to some interest organisations, they are also the result of improved structures, strategies and lobbying tactics.<sup>83</sup> However, as noticed earlier, these are themselves largely manifestations of the changing policy context. Most of all, they are symptomatic of the politicians' recognition that the CAP must be reformed so as to ensure the survival of the EU. Yet, compared to the traditional interests these lobbies still play a relatively minor role when it counts, as for example during the negotiations that led to the CAP Reform of 1992.<sup>84</sup> Consequently, there is still a

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<sup>81</sup> For confirmation of this point, see for example, W.R. Sheate & R.B. Macrory, 'Agriculture and the EC Environmental Assessment Directive: Lessons for Community Policy-Making', *Journal of Common Market Studies*, 28(1), 1989, pp.68-81; B. Delpeuch, 'Pratiques agricoles et Environment', in L'ENGREF *op.cit.*, pp.160-7. Also, CECG *op.cit.*, 1989 and 1990; CECG, 'Consumers in the European Community: Annual Report, 1990. For two succinct accounts of the development of environmental policy in the EC, see for example P.M. Hildebrand, 'The European Community's Environmental Policy, 1957 to 1992: From Incidental Measures to an International Regime?', *Environmental Politics*, 1(4), winter 1992, pp.13-43; J. van der Straaten, 'A Sound European Environmental Policy: Challenges, Possibilities, Barriers', *Environmental Politics*, 1(4), winter 1992, pp.66-83. The material by CECG used in this study contains, among other issues, useful basic synopses on the EU's consumer policy.

<sup>82</sup> This point too was raised by many participants in this study. With regard to secondary literature, the point has been confirmed for example by D. Vogel, 'The Making of EC Environmental Policy', in Andersen & Eliassen *op.cit.*, 1993, Ch. 7, p.121.

<sup>83</sup> For example, some environmental lobbies have re-organised themselves and/or refined their lobbying techniques; see notably some of the references made to the EEB in S. Mazey & J. Richardson, 'Environmental Groups and the EC: Challenges and Opportunities', *Environmental Politics*, 1(4), winter 1992, pp.109-28.

<sup>84</sup> In its historical context, the CAP Reform of 1992 is radical, but it has not been able to break entirely with the tradition of using artificial pricing to control markets and subsidise farmers. The failure to break radically with the past reflects the continued dominance of a small producer dominated policy communities, both at the national and European levels. This view is supported by CECG *op.cit.*, 1990; CECG, 'The Future of the Common Agricultural Policy', Pamphlet, September 1991; CECG, 'CAP: Farm Price Proposals 1993/94', CECG Pamphlet 93/13/AD, 1993; J. Palmer & J. Wolf, 'Farm Pact Makes a Slow Start to a New-Look EC', *The Guardian*, 22 May 1992, p.8; *Food and Drink Federation*, 'CAP Reform: Where Now?', Briefing Paper 1338E.HW, 1993.

clear hierarchy in this policy area, even if access is becoming easier for all private interests. This claim is confirmed by Nugent who found that "...some of the more respectable of these 'oppositional' agricultural groups have their foot in the Community door, but none has quite entered the room."<sup>85</sup> Nonetheless, at least superficially, agricultural policy-making in the EU is now a little more 'pluralistic', but farmers are bound to remain in a special position, because "L'Europe veut et doit bouffer. Donc, s'il y avait un écroulement des agriculteurs ça serait terrible."<sup>86</sup>

Several lessons can be learnt from the above deliberations with regard to the access issue. Firstly, a number of factors mediate access and, consequently, exchange patterns are varied, depending on the policy in question. The CAP is an example of institutionalised policy-making that favours a small group of interests who aim to preserve the status quo. On the other hand, there are areas of policy making which are reminiscent of "...an American-style pattern of 'disjointed pluralism'", such as lobbying for regional funds (in recent years) or environmental policy-making.<sup>87</sup>

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Not surprisingly, the Commission has emphasised the benefits that have so far arisen from the CAP Reform, e.g. a less costly agrimonetary regime and a fall in cereal stock. {See CEC, 'The Week in Europe: New Agrimonetary Regime', WE/4/95; CEC, 'The Week in Europe: CAP Reform Cuts Stocks', WE/26/94.} For a factual overview of the CAP Reform, see for example, *Dossiers de La Politique Agricole*, La Réforme de la P.A.C., décembre 1990.

<sup>85</sup> Nugent *op.cit.*, 1994, p.367.

<sup>86</sup> Interview comment from a middle-ranking civil servant in the French Department of Agriculture who participated in the French interview round for the present study, carried out during winter 1992. The continued preoccupation with adequate food supply and, subsequently, the special position attributed to food stuffs by politicians is discussed more extensively and convincingly in I.M. Sturgess, 'Self-Sufficiency and Food Security in the UK and EC Presidential Address', *Journal of Agricultural Economics*, 43(3), September 1992, pp.311-26.

<sup>87</sup> Originally, lobbying in the area of regional policy had not been very widespread, since there was little scope, given that the emerging 'regional policy' was little more than a regional fund, dominated by intergovernmental bargaining. {On this point, see A.B. Philip, 'Pressure Groups and Policy Formation in the European Communities', *Policy and Politics*, 10(4), 1982, pp.459-75.} Following the structural reform of Community funds introduced by the SEA and the virtual doubling of regional funds during the past decade, this situation has changed radically and there is now intense lobbying over regional policy, both in Brussels and, later, within the regions that were given funds, in the form of bids for parts of these funds.

Andersen and Eliassen see a correlation between newly developing policy areas and more 'pluralistic' patterns of policy-making and between institutionalised policy sectors and more corporate-type policy-making.<sup>88</sup> There is some truth in this argument, but it oversimplifies the situation. For example, food colouring is an established area, but is increasingly 'pluralistic' (see Chapter seven) and, to a much lesser extent, the same is true for the CAP. There are also policy areas that have been developed relatively recently, but are not subject to lobbying by numerous private interests.<sup>89</sup> Policy patterns thus tend to become institutionalised, but hierarchies and monopolies are clearly not cast in stone, and there is scope for policy change, albeit at a leisurely pace. Therefore, the status of private interests is not static and outsiders can become insiders and vice versa. As a result, there is no scope for complacency on the part of private interests. Furthermore, these findings indicate that policy patterns and outcome can never be predicted with absolute certainty and that simplistic assumptions about cause-effect relationships between

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Both phenomena were described by several of the interviewees who participated in this study and are also discussed in secondary literature, such as A. Buzelay & A. Hannequart, *Problématique régionale et cohésion dans la Communauté européenne*, Editions Economica, 1994; A. Devailly, 'Les régions développent une stratégie communautaire', *Espace Social Européen*, 31 janvier 1992; G. Marks, 'Structural Policy in the European Community', in Sbragia *op.cit.*, Ch. 6, p.214. For an easily accessible synopsis on regional policy development, see for example, J. Kellas, 'European Integration and the Regions', *Parliamentary Affairs*, 44(2), April 1991, pp.226-39. For a detailed account of the Structural Reform and its implications, see for example, D. Ethier, 'The Reform of the European Community's Structural Funds: from the Single Act to Maastricht and After', *International Review of Administrative Sciences*, 59, 1993, pp.195-211. With regard to environmental policy, see for example Streeck & Schmitter *op.cit.*, 1991; Mazey & Richardson *op.cit.* Environmental Politics...; Vogel *op.cit.*

<sup>88</sup> S.S. Andersen & K.A. Eliassen, 'European Community Lobbying', *European Journal of Political Research*, 20(2), 1991, pp.173-87; S.S. Andersen & K.A. Eliassen, 'Complex Policy-Making: Lobbying the EC', in Andersen & Eliassen *op.cit.*, 1993, Ch. 3; Hildebrand *op.cit.* makes a similar point but is, appropriately, more cautious about expressing a possible cause-effect relationship between institutionalisation and the structure of policy-making.

<sup>89</sup> Andersen & Eliassen *op.cit.*, 1993, make that point themselves, albeit indirectly. They mention financial services as a sector that has not yet been institutionalised, but that is nonetheless difficult to lobby, mainly because of the high level of technical expertise required to become an insider. Research and Technology is another example that fits here. According to a questionnaire respondent (MEP), it is characterised by a small 'policy community' that works closely together.

systemic features, such as institutionalisation, and policy-making structures are misleading. This insight confirms reservations on such simplistic assumptions expressed earlier in the thesis.

#### 5.7. Neo-Pluralism

With regard to the CAP, industry has not so far been dominant. However, in many respects, this intensely dirigiste policy sector remains one of the most difficult to penetrate for business interests and is not representative of their overall input in EU policy-making. With the exception of the CAP, business interests are thought to be influential in most policy areas as well as with regard to the overall design of the EU. For example, a journalist commented that European "integration was business driven, not politically driven, though politicians will rarely admit that."<sup>90</sup> The former Belgian foreign minister, Martin Eyskens, believes that the "European Union will be built by our industrialists."<sup>91</sup> Burson-Marsteller's survey on lobbying behaviour concluded that "private industry is really the best at lobbying."<sup>92</sup> Following Lindblom's logic, Streeck and Schmitter described the single European market as an alliance between large business and state elites.<sup>93</sup>

More qualified views usually point out that only the "big boys"<sup>94</sup> are very influential in Brussels, as well as at national level. In particular, the influence of the 'Round

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<sup>90</sup> D. Morgan, 'European Integration and National Elites: British Media and the Triumph of Federalism?', *Telematics and Informatics*, 8(3), 1992, p.198.

<sup>91</sup> Martin Eyskens, quoted in B. Tigner, 'The Politics of Business', *International Management*, November 1990, p.34

<sup>92</sup> Burson-Marsteller *op.cit.*, p.14.

<sup>93</sup> Streeck & Schmitter *op.cit.*, 1991.

<sup>94</sup> Expression used by a Brussels based consultant who was interviewed for this study in September 1991.

Table of European Industrialists' is frequently mentioned: "In 1985 it was not UNICE but the European Round Table...that transformed the notorious 'Eurosclerosis' into a 'Europhoria' that Lord Cockfield was to take and present in his famous White Paper."<sup>95</sup> Besides the Round Table of European Industrialists, the Kangaroo Group and multinationals, like Mars, Philip Morris or Nestlé, large American and even Japanese corporations are thought to be particularly influential, especially since these organisations are apparently getting better at presenting their interests embellished by an air of Europeanism.<sup>96</sup>

Direct lobbying is much less common among European firms, especially if they are not involved in transnational activities.<sup>97</sup> Among small firms, direct lobbying is almost unheard of. Both points are substantiated by the data presented in Table 4, although these refer to Food and Drinks Processing firms in the UK, France and Germany only.<sup>98</sup>

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<sup>95</sup> Elsevier, 'An Unwieldy Lobby', 15 June 1991, p.1. This claim has been supported elsewhere, e.g. Gardner *op.cit.*; D. Morgan *op.cit.*, Burson-Marsteller *op.cit.*; N. Dudley, 'Lobbyists Home in on EC Lawmakers', *The European*, 17-23 January 1992; interview comments (see for example above, footnote 95).

The Round Table of European Industrialists came into being in 1983. It is a super-elitist group, made up of over 40 top European industrialists who have together more than 3 million employees and over \$400 billion sales per annum. The chief executives/chairmen of Philips, Volvo, Siemens, etc. are members. The Round Table overtly lobbies against excessive regulation, especially in the social and environmental spheres. In many instances, its members prefer flexibility in these areas at the level of individual firms.

<sup>96</sup> This view was for example expressed by Tyszkiewicz, *op.cit.* (all references); Hoffmann *op.cit.* B. Tigner, 'Influence Peddling, European Style', *International Management*, June 1988, pp. 32-40; *Prospects*, 'Harry Elhardt: EC Lobbyist', October 1990, pp.4-5; J.N. Gardner, 'How American Companies Lobby the EC', *Wall Street Journal*, 5 June 1991, p.10. Some interviewees, especially consultants, agreed with this view; others had no opinion or knowledge on this particular subject. For comments on the considerable lobbying power of the Round Table and the Kangaroo Group, see for example Gardner *op.cit.*, 1991 Effective Lobbying...; Harrop *op.cit.*, 1992.

<sup>97</sup> References as for footnote 96.

Table 4

Questionnaire: The Single European Market and the Food Industry

Question 23: Concerning matters related to the SEM,

has your organisation ever engaged directly in lobbying activities?

No	43	(49 %)
Confidential	5	(6 %)
Don't know	12	(14 %)
At national level only	13	(15 %)
Via Trade Associations only	6	(7 %)
At European level	8	(9 %)
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Total valid answers	87	(100 %)

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<sup>98</sup> These figures are taken from the mail survey on the SEM and the Food Industry carried out especially for this study (see Appendix I). Some 87% of respondents were small businesses. None of the respondents who had less than 10 employees had ever directly lobbied, as would be expected. The larger firms treated the matter almost exclusively as 'confidential'. Perhaps the most surprising finding in Table 4 is the 14% of 'don't know' answers, given that 75% of the respondents were in senior management positions.



However, the failure to lobby directly at the European level does not mean that these firms are inadequately represented. Many of them make their voices heard through sectoral and/or general trade associations and, in some cases, via the national governments. Their lobbying strategies are nonetheless less diverse and they remain largely dependent on effective representation which is unfortunate, since such representation is not always forthcoming.<sup>99</sup> Furthermore, any intervention on their behalf is inevitably based on a prior process of opinion aggregation.

Industry, and especially large businesses, have a privileged position in Brussels, but the above data tell only one side of the story. Business has taken a lead in crucial areas, such as the SEM or EMU, but the flagging out of such issues is the result of mixed influences and not business pressures alone. At least, this is the view of many interviewees and questionnaire respondents.<sup>100</sup> For example, all survey respondents of the follow-up questionnaire on lobbying *disagreed* with the following statement: "with regard to EC lobbying, there is only one set of insiders, and that is big business."<sup>101</sup> Several respondents pointed to the occasional weakness of UNICE, the employers' Euro-organisation, which could be exploited by other lobbies and

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<sup>99</sup> See subsequent discussions and chapters.

<sup>100</sup> For example, the (former) Director-General, Directorate-General for Research, European Parliament, was asked if he thought that big business lobbies had a disproportionate advantage over other groups. He replied that "all groups who are organised on an EC-wide basis, whether large or small, have the advantage." A senior official from DG III dismissed the same question with a brief "...they just have more resources". Other interviewees and questionnaire respondents argued that they sometimes have an advantage, but that they are not necessarily always effective, nor the only successful lobbyists. For example, a questionnaire respondent (MEP) stated that "some other groups - some local/regional and others are much more effective than others. Certainly not all successful lobbyists are 'big business' - environmental and animal welfare groups prove this." Crompton from CECG was less certain about the balance between 'big business' and other groups in respect of influence and felt that on the whole they were more likely to have insider status and greater influence but that this statement had to be qualified, since there were exceptions.

<sup>101</sup> Question 3.3 of the follow-up questionnaire; survey on Lobbying and the SEM (Appendix II). Regrettably, only 11 respondents were prepared to complete this questionnaire; they had varied backgrounds, i.e. MEPs, Eurocrats, Members of Trade Associations, private lobbyists.

political institutions, namely the Commission, especially because of persistent difficulties to overcome national self-interest within the UNICE.<sup>102</sup> Others stipulated that resources alone did not determine lobbying success. Apparently, public and political support and determination are important, too. There is some evidence to support these claims. For example, Harlow noted that the Euro-group for Animal Welfare had been able..."to exert an influence on European policy-making out of all proportion to its size", probably because it is well organised and has attracted strong public support.<sup>103</sup> In the light of the success of some of these groups, industry has apparently begun to take seriously some of them, as well as their 'sponsor' DG.<sup>104</sup> Yet, the lobbies themselves are not as yet content and some have argued that "...the

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<sup>102</sup> On occasions, UNICE has been accused of producing over-generalised, lowest common denominator statements. It has also been argued that it should be more proactive. {See for example Cope *op.cit.*; Gardner *op.cit.* Effective Lobbying...; De Koning *op.cit.*; Elsevier *op.cit.*}. These accusations are not unfounded, but the blame does not lie with UNICE only, as noted by Rhodes: "Europe's employers have really refused to delegate sufficient authority upwards to their European union; this has given UNICE weakness..." {M. Rhodes, 'The Future of the 'Social Dimension: Labour-Market Regulation in Post-1992 Europe', *Journal of Common Market Studies*, 30(1), 1992, p.40.}

As Doogan noted, the unwillingness to delegate significant responsibilities upwards to UNICE reflects the *diversity* of interests and the persistent *national preferences* among Europe's employers. National preferences are sometimes voiced directly in Brussels by national trade associations, but they are more often made known through national civil servants and politicians. Sectoral interests, on the other hand, are reflected increasingly by appropriate Euro-groups, some of which are very effective, e.g. CEFIC or CAOBISCO. {K. Doogan, 'The Social Charter and the Europeanisations of Employment and Social Policy', *Policy and Politics*, 20(3), 1991, pp.167-76.

<sup>103</sup> Harlow *op.cit.*, p.340. There is indeed evidence for disproportional successes for animal welfare lobbyists; they are reported variously, e.g. by A. Hill, 'EC Tightens Cosmetic Test Rules', *The Financial Times*, 4 November 1992, p.3; C. Fisher, 'The Lobby to Stop Testing Cosmetics on Animals', in Pedler & Van Schendelen *op.cit.*, Ch. 11. There is further evidence that the Euro-Animal Welfare lobby is quite effective: One of the MEPs who answered a questionnaire for this study mentioned for example that they had been instrumental in helping to save baby seals by putting EC institutions under pressure to protect the seals. The Commission itself refers to the influence on cosmetics, animals in zoos or animal transport, etc., legislation which has been exercised by Animal Welfare groups. {CEC, 'Background Report on Animal Welfare', ISEC/B29/91.} All these issues have provoked intense public interest and support for many of the proposals made by the Animal Welfare support groups. {See for example, *EP News*, 'Farm Animals - Campaign Stepped Up', 25-29 October 1993, p.4.}. This support and the visually very emotive propaganda of these groups has helped their cause without doubt.

<sup>104</sup> Mazey & Richardson *op.cit.* Environmental Politics.

EU puts business ahead of animal rights".<sup>105</sup> However, since lobbying is "about relative gains as much as about absolutes", the new legislation on the use of animals in cosmetic testing has to be regarded as a lobby success.<sup>106</sup> There is evidence that even less well resourced groups have been relatively successful at making their voices heard in Europe. For example, the baby food manufacturers and Europe's pro breast feeding group were engaged in a lobbying struggle with DG III. The pressure group felt that their requests were not sufficiently considered, but one of the senior Commission officials, who had been involved directly in this case, claimed that the final directive concerning labelling and advertising of baby produce was a compromise "...which went a long way towards the pro breast feeding group's demands."<sup>107</sup>

'Oppositional'<sup>108</sup> lobbies have thus not always been ignored and have sometimes been received more favourably at the European level than at national levels, especially in those states that have pushed for greater deregulation.<sup>109</sup> Greater

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<sup>105</sup> M. Born, 'Free Trade a Higher Priority than Welfare', *The European*, 10-16 March 1995, p.13.

<sup>106</sup> Comment by Mr. Paul Riedermann, DTF Brussels, interviewed for this study in September 1991.

<sup>107</sup> Confidential information by a Senior Commission Official. The pro breast feeding lobby was disappointed because they could not secure legislation that prohibits medical professionals from giving infant formula to mothers (see also Tigner *op.cit.*). The Commission official reported that their views had been taken into account with regard to sale, packaging, marketing and advertising of infant formula, since these were food law concerns. However, the matter over non-administration was, in the Commission's view, a question of medical ethics and beyond their scope. This example demonstrates that perceptions on lobbying impact are very subjective, depending to a large extent on perceptions and expectations.

<sup>108</sup> In this context, 'oppositional' denotes groups that oppose to varying degrees the main views and policy suggestions of the industrial and business lobbies.

<sup>109</sup> See for example, D.C.E. Roberts, '1992 and All That', *British Food Journal*, 93(1), 1991, pp.25-6, or, B. Rosamond, 'National Labour Organizations and European Integration: British Trade Unions and '1992', *Political Studies*, 41(3), September 1993, pp.420-34.

awareness of many environmental and social issues and a growing assertiveness among Europe's consumers have helped their cases, too. Indirect support for promoting environmental policy has also come from the ECJ. The Court's June 1991 ruling in the titanium dioxide case (300/89) demonstrated that it favoured the use of Article 100a of the amended Treaty of Rome with regard to environmental policy-making, thus supporting qualified majority voting.<sup>110</sup> In addition, these groups have been supported by the respective committees in the EP which has itself strengthened its position in recent years.<sup>111</sup> Indeed, one interviewee said that many MEPs and Commission officials regarded it as their duty to ensure that the voices of non-business interests were heard in Brussels and Strasbourg. Yet, it must not be forgotten that there are also significant pro-business, pro-farming, pro-deregulation and pro-subsidiarity forces in the EP who challenge the championship of "pinkish

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<sup>110</sup> On this point, see for example Hildebrand *op.cit.* who explained that a constitutional problem had arisen after the signature of the SEA in that it was not entirely clear to what extent environmental policy-making was to be governed by Article 100a and to what extent it was still being based on Articles 100 and 235 which did not allow automatically for the use of QMV.

<sup>111</sup> For example, Judge and Earnshaw and Judge documented the proactive and pro-environmental work of the EP's Environment Committee. {D. Judge, 'Predestined to Save the Earth: the Environment Committee of the European Parliament', *Environmental Politics*, 1(4), winter 1992, pp.186-211; D. Judge & D. Earnshaw, 'Weak European Parliament Influence? A Study of the Environment Committee of the European Parliament', *Government and Opposition*, 29(2), 1994, pp.262-76.} A number of interviewees also mentioned the important role that the EP's Environment Committee was playing in EU environmental policy-makings. Not surprisingly, many of these interviewees were German, e.g. a researcher for a German MEP, an official in the German Ministry for Agriculture, Food, Forestry and Fisheries and several of the representatives of German trade associations who were interviewed for this study during summer 1991.

The active support of the EP's Environment Committee and many MEPs who are not members of this Committee has also been documented elsewhere, e.g. by the EP's own *EP News*, {see for example *EP News*, 'Campaign to Help Zoo Animals', 21-25 June 1993, p.4 and *EP News*, 'Save it' Drive Attracting Intense Lobbying', 21-25 June 1993, p.4.}, by the Commission (see for example CEC, 'The Week in Europe: Ecolabel Launched', WE/26/93, 1 July 1993.) or by A. Liberatore, 'Problems of Transnational Policy-Making: Environmental Policy in the European Community', *European Journal of Political Research*, 19(2-3), 1991, pp.281-305. For a useful and up to date discussion of the EP's Committee system, see for example S. Bowler & D.M. Farrell, 'The Organizing of the European Parliament: Committees, Specialization and Co-ordination', *British Journal of Political Science*, 25(2), April 1995, pp.219-44.

and greenish" issues.<sup>112</sup> Furthermore, support for "pinkish and greenish" trends are countered by a growing unemployment problem in Europe, deregulatory pressures and financial limitations.<sup>113</sup> Furthermore, they must be compatible with the EC's foremost objective, that is the safeguarding of "...benefits of economies moving closely together."<sup>114</sup> Hence, business and industry are in a very favourable position, given that economic wealth creation has remained the major justification for the EU's existence. Evidently, institutional policy-makers are not immune to the pressures from 'oppositional' forces and these can have marked influence on policy outcomes, depending on the policy in hand. However, compared to the influence of business and industrial lobbies, they tend to play second fiddle and their major concerns have not been fully integrated into economic policy-making.<sup>115</sup>

Although case studies cannot be generalised, social policy exemplifies the neo-pluralist bias in many policy areas. Provisions for common social policies were enshrined in the EEC Treaty and have since developed considerably, both

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<sup>112</sup> An expression used by a professional lobbyist (Brussels). Andersen and Eliassen *op.cit.*, 1991, p.185, confirmed this point, in more general terms, noting that "The [European] Parliament thrives on political issues that cannot be reduced to technical decisions."

<sup>113</sup> See for example *The Economist*, 'Pull me Up, Weigh me Down', 328(7821), 24 July 1993, pp.29-30. This article argued that unemployment, competition, economic recession, etc., all reduced active support among many European interests for common regulatory policies, especially in the social sphere. The subsequent discussion in this study shows that this claim is quite valid, if perhaps somewhat exaggerated.

<sup>114</sup> B. Corby, 'Creating the Right Europe', *CBI News*, December 1991/ January 1992, p.4. See also discussions on the primary objectives of European integration in Chapters one and two.

<sup>115</sup> This view is supported elsewhere, e.g. in A. Weale & A. Williams, 'Between Economy and Ecology? The Single Market and the Integration of Environmental Policy', *Environmental Politics*, 1(4), winter 1992, pp.46-64. In addition, see also A. Stern, 'Alarm at Secret Plan to Scrap EU's Green Laws', *The European*, 9-15 June 1995, pp.1-2. This story reports a possible intensification of the deregulatory aspect of EU policy-making, supported by such key figures as John Major and German Chancellor Helmut Kohl! Furthermore, see Ripa de Meana's comments on the failure to fully integrate environmental concerns in economic policy considerations at the EU level. Ripa de Meana is a former Environment Commissioner. {CEC, 'The Week in Europe: Environment Impasse', WE/21/92.}

constitutionally and in practice. Hence, there is a constitutional and, *it seems*, a political commitment to European social policies.<sup>116</sup> There are three elements that underline the commitment: the expansion of EU social legislation, the semi-institutionalised consultation procedures that characterise much of social policy-making and, to a lesser extent, the European Social Fund (ESF).<sup>117</sup> The institutionalisation of consultation procedures is particularly noteworthy. In 1970, an

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<sup>116</sup> The UK is the obvious exception because it has not adopted the Social Protocol in the TEU, objecting to the latter's regulatory and supranational thrust. The EEC Treaty contained basic provisions for social policy, but these expanded considerably with the ratification of the SEA and TEU and now include the Social Protocol as well as a specific commitment towards economic and social cohesion. As noted by Teague & Grahl, these constitute a definite move in the direction of positive integration which includes open intervention and 'social engineering'. {P. Teague & J. Grahl, 'The EC's Social Charter', *Journal of Public Policy*, 11(2), 1991, pp.207-32.}

The Commission has also reiterated this point; see for example CEC, 'Background Report on the Application of the Social Charter - Second Report', ISEC/B25/93. However, this commitment is set against even stronger commitments towards wealth creation, full employment and, in some instances, respect for existing national idiosyncrasies. This fact is recognised even by Commissioners responsible for social policy. For example, P. Flynn recently noted that "Europe must respect the needs of business, but also offer a vision of economic and social progress for all its citizens." {CEC, 'The Week in Europe: Building a Europe for Business and Progress for All', WE/38/94, p.1.}

Elsewhere, the primacy of economic concerns and the desirability for national and sub-national diversity in the area of social policy is emphasised much more vigorously. See for example the appropriate statements in a number of UNICE documents, namely UNICE, 'The Social Dimension of the Internal Market: UNICE Position, 30 November 1988; UNICE, 'UNICE Views on the Community Charter of Fundamental Social Rights', Pamphlet, 19 October 1989; UNICE, 'UNICE position paper on the Action Programme of the Commission', 22 March 1990. For an extreme neo-liberal view, see for example a document by a German think-tank, i.e. the European Group at the Frankfurt Institute: W. Engels, E. Helmstaedter, H.O. Lenel, R. Vaubel & H. Willgerodt, 'The European Social Charter: a Programme of Social Regulation for the Internal Market?', Study Paper 3, Publications of the European Group at the Frankfurt Institute, December 1989. For a more balanced discussion on the relationship between economic and social pressures, see for example P. Teague, 'Human Resource Management, Labour Market Institutions and European Integration', *Human Resource Management Journal*, 2(1), autumn 1991, pp.1-21.

<sup>117</sup> For detailed discussions on social policy and the use of the ESF, see for example CEC, 'Social Europe: the Social Dimension of the Internal Market', Official Publications of the European Communities, 1988, special edition, or, E. Moxon-Browne, 'Social Europe', or, P. Teague, 'Coordination or Decentralization? EC Social Policy and Industrial Relations', Chs 8 and 9 in Lodge, J. (ed.) *op.cit.*, 1993.

advisory Standing Committee of Employment (UNICE, ETUC, Commission, Council) was inaugurated. Thereafter, many similar, smaller committees and working groups emerged and, during the 1970s some tripartite conferences took place and the concept of concertation was worked out.<sup>118</sup> Concertation has since been replaced with the concept of social dialogue which opens up possibilities for close agreements between the social partners.<sup>119</sup> For example, Article 4(1) of the Protocol on Social Policy stipulates that "...the dialogue between them [ETUC and UNICE] at Community level may lead to contractual relations, including agreements", should they so desire.

These structures are quasi neo-corporatist, but there are a number of factors that distort them so considerably that, in the final analysis, it would be wrong to label European social policy as neo-corporatist. Views on social policy are basically divided between social regulators and deregulators. In addition, there are those who support social regulation, but not at the European level. The deregulators are broadly represented by UNICE; the social regulators by ETUC. All points of view are represented in the Commission, the EP and the Council. Since these attitudes are

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<sup>118</sup> See for example, Lodge *op.cit.*, 1983. Streeck and Schmitter *op.cit.*, 1991; CEC *op.cit.* (Social Europe, 1988); P. Flynn, *European Social Policy: Options for the Union*, Green Paper, Official Publications of the European Communities, 1993.

<sup>119</sup> It is hoped that social dialogue will lead to a more productive form of Euro-bargaining than the ineffective tripartite conferences of earlier decades. There is indeed now an agreement between UNICE and ETUC on collective bargaining, however, it has not progressed far, since Europe's employers remain reluctant to move beyond words. This reluctance is evident in many of UNICE's statements on social policy, namely those mentioned in footnote 112 as well as in a letter to the Secretary General of the CoM by UNICE's secretary general, concerning (COM (90) 581 final of 25 January 1991 which is a Council Directive concerning the constitution of a Committee of European enterprises who will be concerned with providing information and consulting workers; see also K. Schmidt, 'European Social Policy after Maastricht: the Politics of the Social Protocol', *Journal of European Social Policy*, 2(2), 1992, pp.123-4; M. Rhodes *op.cit.*; *The Economist*, 'End of Chapter', 325(7780), 10 October 1992, p.52.

diametrically opposed, it has been difficult to find common ground, especially in sensitive areas, like minimum wage or work councils. Consequently, social dialogue to date has been mostly rhetorical and some sensitive legislation has only been acceptable to both sides in a diluted form.<sup>120</sup> The majority of the successful legislation has concerned health and safety and equal opportunities, two areas where divisions are somewhat less marked.<sup>121</sup> According to Lange, there are very few European social policies that have serious financial implications, either for the Community or business organisations.<sup>122</sup> For example, comprehensive training legislation was rejected by the employers' on these grounds.<sup>123</sup> So far, European legislation has also not facilitated genuine industrial democracy, even though a works council directive has long been on the agenda, at least in theory.<sup>124</sup> Although ETUC is a respected organisation, an increasing number of specific social interests have begun to lobby directly in Brussels, because they feel that the employer-employee dichotomy no longer presents an adequate framework for social dialogue. For all these reasons, it has been acknowledged repeatedly that social policy has

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<sup>120</sup> This point was confirmed by several of the persons interviewed for this survey, notably by the UNICE, CBI (Brussels office), BDA (Köln office) and Kraftfood (Brussels) interviewees. The point was also made in writing, e.g. in, UNICE *op.cit.*, 1988; J. Ryan, 'The Effects of European Integration on the Social Policy of the European Communities', *European Research*, 2(4), 1991, pp.16-21.

<sup>121</sup> *ibid.*

<sup>122</sup> P. Lange, 'The Politics of the Social Dimension', in Sbragia *op.cit.*, 1992, Ch. 7, and, P. Lange, 'Maastricht and the Social Protocol: Why Did They Do It?', *Politics and Society*, 21(1), 1993, pp.5-36. There is evidence to support this view. See for example footnote 119. Obstacles also arise with so called 'caring policies' that involve benefit and pension payments; these could simply not be afforded by the EU, unless its budget structure was entirely different and included direct taxation. {See, *EP News*, 'Caring Policies could put Strain on Europe', 18-22 April/2-6 May 1994, p.3.} Consequently, social legislation is mainly regulatory in nature.

<sup>123</sup> The UNICE and CBI (Brussels) interviewees confirmed this point. See also, e.g. M. Rhodes, 'The Social Dimension of the Single European Market: National versus Transnational Regulation', *European Journal of Political Research*, 19(2-3), 1991, pp. 245-80.

<sup>124</sup> See footnote 119 as well as *The Observer*, 'Workers Vetoed', 6 May 1990; *The Financial Times*, 'Business Opposes EC Employee Involvement Plan', 8 May 1990 and CBI News *op.cit.*



always been "the stepsister of market integration".<sup>125</sup> This view does not ignore widespread support for social policy provisions within the EU, but underlines that "the competitiveness of business must be preserved", if the EU's major objective is to be achieved.<sup>126</sup> In recent years, economic recession, growing unemployment, shifts to the right in some member states and the application of subsidiarity<sup>127</sup> to social policy have made it even more difficult to produce far reaching results in this sector, especially if they involve costs. Furthermore, excessive enthusiasm among the pro-regulation forces has often been stopped in Council where unanimity voting is still the order of the day for sensitive social policy issues.<sup>128</sup>

With regard to social policy, business interests have been undeniably in a rather privileged position and have been able to prevent too much progress towards a

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<sup>125</sup> Lange *op.cit.*, 1993, p.28. This view has been acknowledged elsewhere. See for example, P. Teague, *The European Community: the Social Dimension*, Kegan Paul, 1989; Rhodes *op.cit.*, 1991; Archer & Butler *op.cit.*; Laffan *op.cit.*; S. Milne, 'Time stands still for Workers exceeding 48-hour Limit', *The Guardian*, 1 June 1993, p.2. This point is also confirmed by Commission Documentation, e.g. CEC, 'EC Background Reports', ISEC B1/92.; ISEC/B8/93.

<sup>126</sup> CEC, 'Background Report on Social Policy', ISEC/B1/92, p.2-3; see also, A. Crisp, 'UNICE Offers Direction in Search for a Working Europe', *The European*, 2-8 December 1994, p.26.

<sup>127</sup> Commission Documentation confirms that the subsidiarity principle is applied in some social policy areas, e.g. social exclusion through poverty, are being dealt with on a national basis, in line with the subsidiarity principle, even though 50 million EC citizens live at or below the poverty line, as defined by the Commission. {CEC, 'Background Report on Social Exclusion - Poverty and other Social Problems in the European Community', ISEC/B11/93, and, CEC, *The Week in Europe*, WE/23/93.} Prior to the introduction of QMV, such issues were of course also not dealt with at the Community level, because national governments could oppose harmonised policy on such sensitive and, potentially costly, issues. In sensitive and/or costly areas, the subsidiarity principle is likely to be used whenever there is sufficient political support which will not be that infrequently, since UNICE and the national employer organisations tend to support the subsidiarity principle {UNICE interviewee; de Koning *op.cit.*}

<sup>128</sup> See TEU provisions; but this point has also been confirmed by the UNICE and CBI (Brussels) interviewees, as well as by Ryan *op.cit.*; Philip *op.cit.*, 1992 and J. Kirkbride, 'The Social Chapter: What it's All About', *The Daily Telegraph*, 23 July 1993, p.2.

genuine social Europe.<sup>129</sup> Thus, there is a definite neo-pluralist undercurrent to social policy-making. Yet, the achievements of the EU in this field must not be underestimated and the social dimension should never be dismissed as "...some kind of sweet to be offered at the end of the meal. It is an integral part and parcel of the Internal Market and of the building up of the Community."<sup>130</sup>

#### 5.8. Influencing European Legislation

It is difficult to unravel the amount and direction of influence in an intricate policy process. Accurate quantification is virtually impossible;<sup>131</sup> hence, the figures presented in this section are only one aspect of a general qualitative assessment on Euro-lobbying.

Any evaluation of Euro-lobbying must first take account of the continued need to lobby nationally too, so as to influence the individual ministers who make up the CoM (see Table 5, page 178). This dual strategy is necessary, even in areas where qualified majority voting and/or the co-operation procedures apply and is epitomised in Mazey and Richardson's comment that "being able to monitor different national developments may yet prove to be the most effective skill for groups attempting to influence European policy-making."<sup>132</sup> Ironically, perceptiveness of national issues may however undermine the lobbies' ability to form strong European opinions, so

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<sup>129</sup> The Commission and the social interests are certainly not satisfied with the progress of harmonising and advancing social policy in Europe. See for example, CEC, 'Background Report' and 'The Week in Europe', ISEC/B8/93; EC/UK/WE/18/93. *EP News*, 'Social Concern', 14-18 December 1992, p.3.

<sup>130</sup> Former Greek Commissioner in charge of DG V (social policy), Ms Vasso Papandreou, quoted in Doogan *op.cit.*, p.170

<sup>131</sup> See Chapter one.

<sup>132</sup> Mazey & Richardson, *op.cit.* Parliamentary Affairs..., p.103.

decreasing their potential for influence, especially in respect of the Commission and the EP.

Table 5

Questionnaire: Lobbying and the Single European Market:

Question 13: Has the lobbying of EC institutions taken on more importance than the lobbying of national governmental institutions in individual EC member states?

Yes	8	(10 %)
Depends on policy area	16	(19.5 %)
No	9	(11 %)
No, because the Council takes the decisions	3	(3.5 %)
Euro-lobbying and national lobbying are complementary	28	(34 %)
Not yet, but Euro-lobbying is becoming more important	8	(10 %)
Don't know	10	(12 %)
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Total valid responses	82	(100 %)

This peculiarity also adds some uncertainty to lobbying in the EU because, whatever the relationship between lobbyists and ministers, national lobbies cannot be certain of support, because of the importance of ministerial trades off and package deals within the CoM. Sometimes, ministers take the interests of the lobbies into account,

including the French film industry and the French farmers with regard to a GATT agreement in the Uruguay round.<sup>133</sup> On other occasions, particular interests are sacrificed in package deals, despite promises to the contrary. For example, the UK government seems to have retracted on promises to the British food and drinks industry and the British consumers, regarding a regulation on geographical designations of foodstuffs during negotiations for the CAP reform.<sup>134</sup> Lobbyists may feel despondent about the resulting uncertainty, but they cannot side-step the national governments. At the same time, the unpredictable nature of decision-making in the CoM reinforces the need for simultaneous Euro-lobbying, directly or indirectly through Euro-organisations. Effective lobbying in the EC must therefore be a multi-level game and "the master-lobbyist like the chess-master must be able to play several games at once at different tables, as far afield as Strasbourg, Luxembourg, Brussels as well as his national capital."<sup>135</sup>

An assessment of the Euro-lobbying aspect of this multi-level game remains an important task, since "5,000 plus lobbyists must make a difference."<sup>136</sup> Tables six and seven confirm that Euro-lobbying influences policy outcomes, although respondents disagree markedly on the extent to which lobbies can influence policy. However, the data in these Tables must be treated with caution, since they are *judgements* by informed participants and since some assessments, especially from the food and drinks processors, are in fact little more than guesses. With respect to the survey on lobbying, responses are mostly founded on direct Euro-lobbying

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<sup>133</sup> *EP News*, TV concerns, 13-17 September 1993, p.4.; J. Nundy & T. Jackson, 'France Whips Up Hostility to GATT', *The Independent*, 19 November 1992, p.1.; J. Nundy & A. Marshall, 'France Gains Allies Against GATT Deal', *The Independent*, 26 November 1992, p.1.; L. Elliott & J. Wolf, 'French Find Allies Against GATT Deal', *The Guardian*, 27 November 1992, p.14.

<sup>134</sup> Several interview sources, all wishing to treat this issue confidentially.

<sup>135</sup> Philip *op.cit.*, 1982, p.471.

<sup>136</sup> One of many such comments made by questionnaire respondents and interviewees.

experience; but they are nonetheless subjective interpretations of a varied and intricate phenomenon. Yet, similar conclusions have been drawn elsewhere.<sup>137</sup>

It is not surprising that only approximately 50% of the food and drinks processors responded positively to Question 24 in Table 7, since they were asked a very specific question about the potential influence of *individual* business organisations. The answers may well have been different, had the question been phrased more generally. Furthermore, virtually all the respondents from the other survey are in one way or another directly involved in lobbying. Lobbyists in particular, would hardly engage in this costly and time consuming venture if they did not believe that it could be beneficial to them or to those on whose behalf they act.<sup>138</sup>

The data in Table 7 suggest that respondents have little faith in direct lobbying, with the possible exception of 'some business organisations'. A few respondents confirmed that, in their view, this expression related to large business organisations.

"Yes, through a major multinational or through an interest group."

"Yes, through an interest group, or big firms have a branch in Brussels or are represented in working committees."

"Yes, but only very, very big ones [businesses]."

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<sup>137</sup> This point is confirmed in virtually all the secondary literature referred to in this chapter, but has also been confirmed by documentation examined for the thesis, e.g. *The Gin Rectifiers and Distillers Association and the Vodka Trade Association*, Report and Accounts, 1991; C. Senevat, *La CEE et le lobbying; extraits des actes de colloque*, Centre Français du Commerce Extérieur, 1991.

<sup>138</sup> A point confirmed by many lobbyists, see e.g. Tigner *op.cit.*, 1988; Cope *op.cit.*; Burson-Marsteller *op.cit.*; Prospects *op.cit.*; Burrell *op.cit.*

Table 6

Questionnaire: Lobbying and the Single European Market:

Question 12: On balance, do lobbying activities of EC institutions influence  
EC policy-making?

Yes	7	(8 %)
Yes, considerably	9	(10.5 %)
Yes, to some extent	8	(9 %)
Yes, minimally	9	(10.5 %)
Yes, but it depends on the policy in question	21	(25.5 %)
Yes, but mainly with technical expertise	15	(17.5 %)
Yes, but at pre-draft and/or early drafting stages only	6	(7 %)
Yes, but in the form of amendments only	4	(4.5 %)
Yes, because lobbyists challenge preconceived opinions	1	(1 %)
Yes, but large business organisations only	1	(1 %)
Yes, but large trade associations only	1	(1 %)
Yes, substantial impact, but on details only	1	(1 %)
Don't know	3	(3.5 %)
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Total valid responses	86	(100 %)

Table 7

Questionnaire: The Single European Market and the Food Industry:

Question 24: In your opinion, can an individual business organisation, such as yours,  
effectively influence EC policy-making?

Yes	2	(3 %)
Yes, but only through an intermediary	16	(23 %)
Yes, but with minimal effect only	4	(6 %)
Yes, but only some business organisations	10	(14 %)
Yes, but only with regard to certain policies	1	(1 %)
Yes, but only with certain EC institutions	2	(3 %)
No	27	(39 %)
No generalisations possible	5	(7 %)
Not possible to determine	2	(3 %)
Confidential	1	(1 %)
<hr/>		
Total valid responses	70	(100 %)

Interviewees from all walks of life confirmed that the most effective lobbying was carried out by specific interest organisations and MNCs.<sup>139</sup> Interestingly, the data in Table 6 do not support this claim, although they do not invalidate it either, since respondents gave their individual answers and were not specifically asked to comment on who was most influential. Where additional comments were made at all about the influence of business on lobbying, views differed.<sup>140</sup> The accumulated evidence in the thesis indicates nonetheless that there is a certain neo-pluralist bias in the system. In particular, business seems to have disproportionately influenced the broad development of the EC; a 'claim to fame' which few, if any of the other private interests can 'pride' themselves with.

Table 6 reinforces certain points made during earlier discussions in many respects, namely it is best to lobby early, while drafts are being worked out; it is much easier to aim for amendments than to attempt to stop a legislative draft; technical advice is absorbed into policy drafts more easily than overtly political demands; lobbying success depends heavily on individual sectors, and even issues. Table 5 established that successful lobbying is still at least a two-tier game, even though European level lobbying is proliferating and becoming more important. Consequently, Andersen's and Eliassen's claim that "we can talk about the Europeification and lobbyfication of EC decision-making" is only partly correct.<sup>141</sup> As one interviewee put it, "...intensified lobbying at the European level may well enhance multi-culturalism and

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<sup>139</sup> The data in Figure I in Chapter seven, which refer to the benefits and losses that businesses are likely to encounter as a result of the completion of the internal market, also lend weight to this point.

<sup>140</sup> See section 5.7 on Neo-pluralism.

<sup>141</sup> Andersen & Eliassen *op.cit.*, 1993, Ch. 3, p.35.



mutual understanding, but it is not leading to genuine transfer of loyalties...", nor to a fully blown European style of lobbying.<sup>142</sup>

The data in Table 8 also reveal little evidence of the emergence of a genuine European tradition of lobbying. Those respondents who answered in the affirmative largely repeated the obvious, but many also stressed one important aspect of EU policy-making and that is its commitment to policy solutions based on consensus whenever possible. This commitment does not preclude extensive and tough bargaining, nor intense conflict; it illustrates merely that the vast majority of European policy-makers do not believe that development is possible without at least seeking broad consensus among the elite of Europeans. This salient point was confirmed variously by interviewees, questionnaire respondents and secondary

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<sup>142</sup> For comprehensive discussions on the concept of national lobby styles, see for example, J.J. Richardson (ed.), *Policy Styles in Western Europe*, George Allen & Unwin, 1982. Although there is no scope to examine the concept in greater detail, it must be emphasised that certain cultural differences with regard to lobbying styles are noticeable among EU member states. For example, in the UK and Germany, lobbying is accepted and widespread, although Beer found recently some evidence of antagonism towards lobbyists in the UK. In France, lobbying has traditionally been frowned upon and in Spain it has not as yet developed very far. In Italy, it has been closely associated with bribery and corruption. Appropriate references on national lobbying styles of EU member states and their repercussions on Euro-lobbying can be found in Petite *op.cit.* (France); Nonon & Clamen *op.cit.* (Italy); Jassogne *op.cit.* (France); Woolfson *op.cit.* (UK, US, Germany); Dudley *op.cit.* (Germany, France); Canel *op.cit.* (Spain); S. Beer, 'Lobbyists and their Techniques', *Parliamentary Affairs*, 45(2), 1992, pp.220-32, (UK); M.F. Braun, 'L'achèvement du grand marché communautaire', in Dominati, J. (ed.) *Quel avenir industriel pour la France?*, Editions Economica, 1987, pp.73-89; J.J. Gurviez, 'les réseaux secrets d'influence', *Expansion*, 25(316), septembre 1987, pp.150-7, 159; F. Londez, 'Le lobbying des entreprises françaises et la construction du marché unique', *Annales des Mines*, février 1989, pp.120-2; T. Lefébure, *Lobby or Not to Be*, Editions Plume, 1991; J. van den Bulck, 'Pillars and Politics: Neo-Corporatism and Policy Networks in Belgium', *West European Politics*, 15(2), April 1992, pp.35-55. F. Morata, 'Regions and the European Community: a Comparative Analysis of Four Spanish Regions', *Regional Politics and Policy*, 2(1-2), spring/summer 1992, pp.187-216; D. Sidjanski, 'Les groupes d'intérêt de l'Europe du sud et leur insertion dans la CE', *Revue du Marché Commun*, 325, mars 1989, pp.164-75 (Portugal, Spain, Italy, Greece).

Most commentators agreed that lobbies in member states are gearing themselves up to Euro-lobbying, but that they are keeping their individuality. Armingeon found that the same goes for European trade unions, even though their co-operation is increasing all the time. {K. Armingeon, 'Towards a European System of Labour Relations?', *Journal of Public Policy*, 11(4), 1991, pp.399-413.} The absence of a genuine European culture or ideology (see for example Chapter two) undoubtedly hinders the emergence of an intrinsic European style of lobbying.

literature For example, a French interviewee stated that "la recherche du consensus est absolument nécessaire" and an experienced lobbyist believed that "compromises are sought by the 'actors' from CEC, EP and Council."<sup>143</sup>

As anticipated, none of the material produces conclusive evidence about the exact influence of the lobbyists, although most data point to the important role which they play. However, in view of the earlier findings on the relative autonomy of the formal policy-makers, it is worth bearing in mind that "le poids des groupes européens et nationaux dans le processus de décision et de gestion de la Communauté demeure relativement modeste par rapport à celui des gouvernements et de leurs représentants."<sup>144</sup> This is particularly true for broad political directions.

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<sup>143</sup>The representative from the Union Nationale des Producteurs et Distributeurs de Jus de Fruits et Légumes, de Nectars et de Boissons aux Fruits de la Métropole de l'Outre-Mer, who was interviewed for this study in Paris during winter 1992, stated that "the search for consensus was absolutely necessary" in the Brussels' way of policy-making. The other quote was made by a member of CEFIC. With regard to supportive evidence from secondary literature, see for example Stafford and Wallace. Stafford reported that the EP promoted consensus and conciliation politics and Wallace made the same point about the process as a whole. {W. Wallace *op.cit.*, 1990; Stafford *op.cit.*}

<sup>144</sup>Sidjanski *op.cit.*, 1989, p. 175.

Table 8

Questionnaire: Lobbying and the Single European Market:

Question 15: Is there already, or is there going to be a typical EC lobbying tradition, which is recognisably different from the lobbying traditions of the individual EC member states?

Yes	5	(7 %)
Yes, more consensus and compromise oriented	7	(9 %)
Yes, because access is easier	6	(8 %)
Yes, more costly and complicated and more knowledge required	6	(8 %)
Yes, because EC lobbying is more technocratic	4	(5 %)
Yes, nearer US and/or Anglo-Saxon tradition of lobbying	4	(5 %)
Yes, the Commission wants to register lobbyists	2	(2.5 %)
Yes, because there are more policy communities at EC level	1	(1.3 %)
Yes, much more widespread in the EC	1	(1.3 %)
Yes, more direct lobbying by multinational companies	1	(1.3 %)
Yes, the EC institutions are more closed and arrogant	1	(1.3 %)
Yes, lobbying is not a pejorative word or disdained profession	1	(1.3 %)
No	15	(20 %)
Don't know	22	(29 %)
<hr/>		
Total valid responses	76	(100 %)

## 5.9. Conclusion

The proliferation of Euro-lobbying is reinforcing the bewilderingly complex nature of the EU. Generalisations are increasingly inappropriate, because political exchanges are too varied. Nonetheless, there remain some discernible trends. This chapter demonstrates that the EU is *not*, in the strict sense of the expression, a pluralist heaven, even though private interest representation has become an integral part of European politics. There is no doubt that, in the vast majority of cases, the formal policy-makers have preserved autonomy vis-à-vis the private interests. To date, farmers and certain business interests have been the most influential private interests, but, on the whole, they have not captured the formal policy-makers. They have worked in tandem with those formal policy-makers whose views coincided with theirs, exploiting specific political and economic climates. Sometimes, policy-making patterns have consequently become quite institutionalised, but there are no unassailable or permanent hierarchies and monopolies. Indeed, 'oppositional' groups have often successfully introduced new issues for debate, thereby mediating existing patterns. Nonetheless, the aims of European integration have given business interests a certain innate advantage over other interests. The strong political support for agriculture in the immediate post-war era and, subsequently, the original design of the CAP, have favoured producers' interests, at least until it became evident that the CAP was threatening the very existence of the EU. Recent changes in agricultural policy-making demonstrate that cultural scripts can slowly be rewritten within the EU. However, the limitations to the CAP reform and the structural transformations in agricultural policy-making support *moderate* institutionalist interpretations of social change.

All kinds of private interests have been able to influence aspects of policy drafts. Consequently, the final versions of legislative drafts that reach the CoM are compromises that have been mediated by the input of a variety of formal and

informal policy-makers. They can look quite different from the early versions. Generally speaking, private interests are more successful in influencing drafts that require technical expertise than highly political legislative projects. However, influence can be of a political nature too, especially since the 'technical v political' dichotomy oversimplifies reality. Yet, with the noticeable exception of business and, during the early years agricultural interests, lobbies seem to have had little influence on the broad economic and political priorities that have shaped European integration. This situation has not necessarily arisen because of a lack of political support for the concern of non-business interests. However, the legislation that they seek to create is often associated with costs, either to business or the EU itself. The former obviously vehemently oppose such projects and the latter has only very limited financial resources to live up to costly commitments. For this reason, social, environmental and consumer legislation has often been more successful in areas where inexpensive regulation is appropriate. The cost aspect also explains why social dialogue has hardly progressed beyond rhetoric and that economic and social cohesion in the EU remains a distant aspiration. Finally, the limited budget of the EU explains why the distributive policies of the EU (structural funds) are some of the most fiercely lobbied areas: a large number of private interests seek to secure a share of the limited EU funding.

The proliferation of Euro-lobbying has affected lobbying activities in many member states. The constant interaction between different private interests is also promoting multi-culturalism. Furthermore, lobbying activities reinforce the need among all policy-makers to bargain, to seek alliances and to make compromises. There are also some basic unwritten rules of conduct for Euro-lobbyists, namely discretion, integrity and expertise. However, there is no sign of a genuine homogenisation of national lobbying styles. The biggest obstacle to the emergence of a Euro-lobbying tradition is undoubtedly the continued requirement to lobby national political

institutions so as to influence, if possible, CoM decisions. Consequently, any neofunctionalist explanations of Euro-lobbying are inappropriate.

**CHAPTER SIX:**  
**POLICY NETWORKS:**  
**A SUITABLE CONCEPTUAL FRAMEWORK FOR**  
**THE ANALYSIS OF POLICY-MAKING**  
**IN THE EUROPEAN UNION?**

6.1.        **Introduction**

Chapters four and five illustrate that interpersonal and inter-group exchanges, structures, functions and patterns of influence vary so much that sweeping generalisations about policy-making in the EU are inappropriate. Macro-level theories fail to take account of these variations. Therefore, an extra level of analysis, which can take account of sub-systemic variations, is necessary in order to examine how and to what extent such variations help to shape the overall nature of a political system. Policy networks analysis (PNA) provides such an additional layer of analysis and, hence, PNA is examined in some detail in this chapter.

The discussions on the CAP and on social policy confirm that macro-level terminology has been adapted and used to explain the nature of sub-systemic structures. However, these discussions suggest that such adaptations are not entirely

satisfactory, and this point has been confirmed elsewhere, too.<sup>1</sup> Unnecessary conceptual confusion will be caused, if the same language is applied to explanations of *either* the nature of a political entity (studies at the systemic level) *or* the nature of parts of that political entity (studies at the sub-systemic level). Hence, scholars have intensified their search for an analytical model that captures the relationship between sub-systems and the systemic level, that is meso-level analysis, and that is not tainted with conceptually loaded language. Such models emerged first in the USA and more recently in Britain and Continental Europe. Lately, the policy networks model has attracted much attention and PNA has become the most widely used approach to the study of policy sub-systems and their relationships with the systemic level, especially, but not exclusively in the Anglo-Saxon tradition of policy analysis.<sup>2</sup> However, there is a lively debate as to the contribution made by PNA. Certain political scientists have hailed it as a considerable and innovative conceptual advancement whereas others have denigrated it as just another shorthand description

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<sup>1</sup> See for example, R.A.W. Rhodes, "Power-Dependence" Theories of Central-Local Relations: a Critical Assessment', in Goldsmith, M.J. (ed.) *New Research in Central-Local Relations*, Gower, 1986, pp.1-33; R.A.W. Rhodes, 'Policy Networks: a British Perspective', *Journal of Theoretical Politics*, 2(3), 1990, pp.293-317. In both works Rhodes claimed that terms like 'corporatism' provided rigid metaphors that could not be 'teleported' to sub-central analysis.

<sup>2</sup> This point was confirmed recently by D. Marsh, 'State Theory and the Policy Network Model', 1995. (This paper is as yet unpublished and must not be quoted elsewhere.) who argued that "In Britain there has been a significant growth in research using the policy networks concept in the last few years. This, in itself, suggests that the concept is a useful one." For examples of policy networks analysis, see the many references to policy networks studies in the thesis, as well as for example, (in agricultural policy-making, at the national level) A. Greer, 'Policy Networks and State-Farmer Relations in Northern Ireland, 1921-72', *Political Studies*, 42(3), September 1994, pp.396-412. (generally, at the European level) E. Bomberg, 'Policy Networks on the Periphery: EU Environmental Policy and Scotland', *Regional Politics and Policy*, 4(1), spring 1994, pp.45-61; J. Peterson, 'EU Research and Development Policy: the Politics of Expertise', in Rhodes, C. & Mazey, S. (eds.) *The State of the European Union: Integration in Perspective*, Vol. 3, 1995, Longman.



for the study of sub-systems.<sup>3</sup> These claims are explored and evaluated in the initial sections of this chapter.

PNA has been applied increasingly to the EU, too, and Peterson argued that "the policy networks model requires further testing and refinement at the EU level, but it remains the most analytically powerful approach on offer."<sup>4</sup> In view of the growing popularity of this model, it is necessary to inspect Peterson's claim in some detail and in two stages. First, the intrinsic merits and limitations of policy networks analysis have to be examined and, second, attention has to focus on ways in which policy networks analysis can be refined so as to become more specifically applicable to the EU. The following paragraph explains why such refinement and adjustment is essential.

The findings presented and discussed in Chapters three to five confirm that the EU cannot be treated like a conventional international organisation and that, consequently, 'integration theories' are not adequate analytical tools in their own right to capture the nature of the EU. However, the empirical data indicate, too, that nation statism and national self-interest continue to be so central to all activities related to the EU that analysis cannot rely solely on conventional political science frameworks. Although interactions vary, depending on the respective constitutional arrangements of the different policy-making processes in the EU, all of them involve

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<sup>3</sup> See many of the references used in this chapter, but especially K. Dowding, 'Model or Metaphor? a Critical Review of the Policy Network Approach', *Political Studies*, 43(1), March 1995, pp.136-58.

<sup>4</sup> J. Peterson, 'Policy Networks and European Union Policy Making: a Reply to Kassim', *West European Politics*, 18(2), April 1995, pp.389-407. There are however also sceptics with regard to its general utility and/or its applicability to EU policy-making. See for example, M.M. Atkinson & W.D. Coleman, 'Policy Networks and the Problems of Governance', *Governance*, 5(2), April 1992, pp.154-80; H. Kassim, 'Policy Networks, Networks and European Union Policy Making: a Sceptical View', *West European Politics*, 17(4), October 1994, pp.15-27.

a dual approach with negotiations at the national and European levels. This has been demonstrated beyond doubt in Chapters four and, especially, five. This duality needs to be reflected in an analytical framework and hence, a means has to be found to combine aspects of integration theory with political science in a coherent manner. Since PNA is concerned with sub-systems and IR with national systems and their exchanges, such a synthesis is not impossible and is therefore explored in the latter part of this chapter. Chapter seven, which contains an empirically based discussion on European food policy-making, provides a first testing ground for a synthesised, inter-disciplinary framework.

## 6.2. Policy Networks Analysis: an Appraisal

### 6.2.1 Origins and Scope of Applicability

Political scientists borrowed 'networks analysis' from sociologists who had developed the concept in order to study small group dynamics. Hence, they were very much concerned with the kind of exchange relationships that arise between individuals who find themselves in an interdependent situation.<sup>5</sup> This shift in emphasis to the micro-level of systemic analysis challenged the very foundations of the structural-functionalist tradition of sociology and kindled a deep concern for the dynamics of interaction. As seen in Chapter three, it led to new sociological insights, including the development of structuration theory. Certain IR specialists and

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<sup>5</sup> See for example, G.A. Banck, 'Network Analysis and Social Theory - Some Remarks', in Boissevain, J. & Mitchell, J.C. (eds.) *Network Analysis - Studies in Human Interaction*, Mouton, 1973, pp.37-43; D. Katz & R.L. Kahn, *The Social Psychology of Organizations*, Wiley, 1978, 2nd edition; C.B. Handy, *Understanding Organizations*, Penguin Books, 1985, 3rd edition. See also appropriate references in Chapter three. The Katz & Kahn and Handy references also indicate that the networks analysis of group dynamics has become an important aspect of the study of business organisations, an issue which is addressed briefly in Chapter seven during the discussion of the impact of EU policies.

political scientists have adopted networks analysis. However, within the IR context, these endeavours have remained limited and manifest themselves mainly in discourse on interdependence and transnationalism.<sup>6</sup> In the field of political science conceptual adaptation has been far greater and, consequently, PNA has been developed as a meso-level type of analysis. In other words, the focus is no longer on interaction between individuals but on interaction between groups, organisations or sub-systems. This adaptation is captured well in Benson's classic definition of networks as complexes "...of organisations connected to each other by resource dependencies and distinguished from other...complexes by breaks in the structure of resource dependencies".<sup>7</sup>

Richardson and Jordan first introduced the terms 'policy networks' and 'policy community' into UK literature on policy studies, but as metaphors only.<sup>8</sup> Rhodes was responsible primarily for further developments. He cultivated policy networks analysis to make sense of central-local government relations, especially with regard to the relative distribution of power between the two levels. Later, he argued that policy networks analysis could be applied more widely, so as to elaborate a "...meso-level of analysis [which] focuses on the variety of linkages between the centre and the range of sub-central political and governmental organizations."<sup>9</sup> Since the examination of EU policy-making in this thesis starts with an examination of the

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<sup>6</sup> See Chapter three, Section four.

<sup>7</sup> J. K. Benson, 'A Framework for Policy Analysis', in Rogers, D., Whitten, D. and Associates, *Interorganizational Coordination*, Iowa State University Press, 1982, p.148.

<sup>8</sup> Richardson & Jordan *op.cit.*, 1979. They used these terms as metaphors in order to highlight the fragmented nature of British policy-making. See below for explanations of the term 'policy community'.

<sup>9</sup> Rhodes *op.cit.*, 1990, p.304. Subsequently, the model was used to investigate exchanges between groups and organisations of any kind {see for example, Atkinson & Coleman *op.cit.*, all references, on this point}.

interactions between non-governmental and governmental policy actors, the ways in which Rhodes has adjusted networks analysis to the field of politics is crucial. Indeed, PNA looks like an ideal starting point for the analysis of the data presented here, especially since PNA is bound to accommodate sub-systemic variations, given the reference to the ...”variety of linkages...”.<sup>10</sup> However, before testing its usability by introducing further empirical data collected for this thesis, it is necessary to look at PNA in more detail so as to address some of the ambiguities of Rhodes’ contributions and to establish the limits of viability of this analytical tool, especially in relations to EU policy-making.

Rhodes developed a set of criteria in order to differentiate between types of networks which became known as the ‘Rhodes model of PNA’. The Rhodes model classified policy networks along a spectrum, with policy communities representing the most integrated and issue networks the least integrated types of policy networks.<sup>11</sup> Rhodes also distinguished between types of policy networks, based on the identity of the major policy actors such as professional, producer or sub-government networks. Originally, Rhodes treated the two sets of typologies as if they were mutually exclusive, but he has since rectified this mistake.<sup>12</sup> Over the years, Rhodes, together with Marsh, improved the original Rhodes model and introduced a far more differentiated set of criteria, thus making classification within the model more sophisticated.<sup>13</sup> This improved version, which is referred to widely

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<sup>10</sup> *ibid.*

<sup>11</sup> For a detailed analysis of these two concepts, see Rhodes *op.cit.*, various, and D. Marsh & R.A.W. Rhodes, ‘Policy Communities and Issue Networks: Beyond Typology’, Marsh & Rhodes *op.cit.*, Policy Networks..., 1992; D. Marsh & R.A.W. Rhodes, ‘New Directions in the Study of Policy Networks’, *European Journal of Political Research*, 21(1-2), 1992, pp.181-205 or Jordan & Schubert, *op.cit.*

<sup>12</sup> A point which is for example substantiated by G. Jordan, ‘Policy Community Realism versus ‘New’ Institutional Ambiguity’, *Political Studies*, 38(4), 1990, pp.470-84.

<sup>13</sup> See Marsh & Rhodes *op.cit.* Policy Networks..., 1992.

as 'the Rhodes-Marsh model of PNA', dominates current debate on policy networks analysis, at least in the British and European context.

#### 6.2.2. Policy Networks Analysis: Some Strengths and Weaknesses

Given that PNA does not focus primarily on the systemic level, this type of analysis endorses the view that political systems are not homogenous entities but complicated constructs that are made up of a variety of differing sub-systemic parts. In other words, PNA is capable of capturing the variety of policy processes that exist within political systems. Thus, it can provide insights into individual studies. Yet, PNA can also produce a more comprehensive 'political landscape' of a political system by juxtaposing the images provided by individual case studies.<sup>14</sup> For reasons of manageability, this thesis draws on material from a very limited range of policy areas. However, even the data in Chapter five can illustrate how a 'political landscape' picture can be constructed. The variations and similarities between areas such as social, agricultural and environmental policies can be translated into metaphorical language too. Thus, they become 'regional mini landscapes' that begin to merge into parts of an overall 'political landscape', when juxtaposed. Political landscapes do not explain policy outcomes, they describe them. Hence, they have not got sufficient explanatory potential to be suitable for theorising, in their own right. However, they provide the analyst with ordered structures and clues on which

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<sup>14</sup> This metaphor is preferable to the more common term 'policy maps', because landscapes are dynamic and, hence, the metaphor is capable of symbolising the evolutionary nature of policy processes. {For the policy map metaphor, see for example Jordan & Richardson *op.cit.*, 1979. Or, V. Schneider & R. Werle, 'Policy Networks in the German Telecommunications Domain', in Marin & Mayntz *op.cit.*, or, Schneider *op.cit.*, 1992.} Dowding's comments substantiate the argument that terms like 'policy network', 'policy map', 'policy landscape' are metaphors, not explanatory tools, but he, too, appreciated the value of the metaphorical discourse: "The imagery is simply metaphorical heuristics, though no less serviceable for that." And, "Again, therefore, the network analysis is more of a map of the policy process, than a fully fledged explanation of it." {Dowding *op.cit.*, p.139 and p.157.}.

further theorising can be built. Moreover, efforts to construct policy landscapes challenge one common critique of PNA, namely the view that policy networks analysts sometimes oversimplify macro-level pictures by treating them merely as "...a collection of policy arenas..."

The Rhodes-Marsh model of PNA is valuable because it provides the analyst with a sophisticated taxonomy that enables him or her to organise data in a constructive manner. For example, the material presented on agricultural policy in Chapter five could be classified usefully, using the Rhodes-Marsh taxonomy. The closeness of exchanges between the core members are reminiscent of what Rhodes and Marsh understand by 'policy communities' and the central role of the agricultural lobby indicates that the CAP is a 'producer network'. Of course, the Rhodes-Marsh model produces an ideal-type system of classification and no network is purely a 'policy community' or a 'producer network', but the ideal-types provide crucial signposts which help to order and, therefore, understand empirical data.

Some of the benefits of PNA have been offset by a persistent confusion over semantics. Notably, the newly developed PNA terminology has been mixed occasionally with existing traditional policy analytic terminology, so undermining some of the arguments in favour of PNA referred to in the introduction of this chapter.<sup>15</sup> Also, this semantic inconsistency has led to a situation where "...different labels have been used for similar phenomena...", with the result that "...differences of opinion may merely reflect differences in definition."<sup>16</sup> At the same time, "different authors have used similar labels to describe different phenomena..." which has

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<sup>15</sup> Van Waarden's (*op.cit.*) matrix of the "characteristics of policy networks analysis between state agencies and organised interests" illustrates this problem.

<sup>16</sup> *ibid*, p.49.

caused further confusion.<sup>17</sup> The crisis over terminology became even more acute when Wilks' and Wright introduced their own, distinct policy networks model, which used similar terminology to the Rhodes-Marsh model, but to describe different phenomena.<sup>18</sup> The semantic confusion seems to be even worse with regard to policy networks studies related to the EU. According to Raab and Peterson, EU scholars have been particularly inept at handling semantics and Peterson argued that "...the most compelling reason for scepticism about the policy networks model is that EU scholars often apply it loosely without conceptualising or even defining their terms."<sup>19</sup>

Although PNA is capable of capturing systemic diversity, so far it is not easy to see why it should be more sophisticated than meso-level studies, especially given the semantic confusion surrounding PNA.<sup>20</sup> However, there are a number of reasons why, in the final analysis, PNA is far more refined than conventional meso-level analysis. The advantages of PNA over conventional meso-level analysis are related to the concept of resource dependency that is at the centre of PNA.<sup>21</sup> Traditional meso-level analysis has assumed that policy processes within sectors are more or less homogenous. However, there is evidence in this thesis and elsewhere that variety exists within sectors, too. Such variety can be captured if resource

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<sup>17</sup> *ibid.* p.,49

<sup>18</sup> Wilks & Wright *op.cit.* They introduced the idea that networks theory can be applied at sub-sectoral and policy issue level. Furthermore, they concentrated increasingly on interpersonal exchanges, thereby following the footsteps of many socio-anthropological networks analysts. This development is not without its merits, but it is so markedly different from the direction in which Rhodes and Marsh developed that the overlap in terminology is deplorable. {see also footnote 38}

<sup>19</sup> Raab *op.cit.*; Peterson *op.cit.*, 1995, p.390.

<sup>20</sup> find appropriate footnotes in Chapter five - Cawson's meso-level analysis, esp. in relation to corporatism.

<sup>21</sup> See Benson's classic definition of networks (footnote 7 of this chapter).

dependencies, and not policy sectors, are used to demarcate the area of study. Similarly, the focus on resource dependencies provides suitable parameters within which transsectoral policy-making can be investigated. This strength has sometimes been underestimated, probably largely due to a certain ambiguity concerning the expressions ‘meso-level’ and ‘micro-level’ in Rhodes’ and Marsh’s writings on PNA.<sup>22</sup> Recently, Marsh cleared up any confusion in relation to these two terms and confirmed that they are associated with different *types* (government-group relations and relations between individuals respectively) of policy analysis and not with the number of policy issues covered by an individual policy study: “Rhodes and I see the policy network model as a model of interest group intermediation; that is of relations between interest groups and government.”<sup>23</sup> This quote confirms that the scope of applicability is quite wide, as far as PNA is concerned. Notably, this quote indicates that PNA can be used to analyse transnational policy-making, if ‘the government’ is a transnational body such as in the case of the EU. This realisation should put to rest any qualms about using PNA in systems other than nation states. Furthermore, the reference to the general concept of ‘interest groups’ suggests that PNA is also applicable where ‘interest groups’ consist of individual companies or persons provided that the latter act as if they were groups, that is they represent an *aggregated*, and not a personal, interest. Thus, the flexibility of a framework which is demarcated by resource dependencies ensures that it is applicable to policy-analysis within the EU, despite the preponderance of individual lobbyists and consultants and the transnational nature of the EU.

There are a number of other advantages which arise because PNA demarcates networks by reference to resource dependencies. Notably, resource dependencies

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<sup>22</sup> Kassim was confused and concluded wrongly that the Rhodes-Marsh level could not be applied to sub-sectoral or transsectoral studies. Kassim *op.cit.*

<sup>23</sup> Marsh *op.cit.*, p.2.



may indicate that, with regard to some policy studies, it is inappropriate to make artificial distinctions between the policy formulation and implementation stages. Alternatively, breaks in resource dependencies may indicate that a distinction is necessary.<sup>24</sup> Moreover, the emphasis on interdependence with regard to resources helps to explain why some kind of consensus can *usually* be reached over policy issues, even when policy preferences among actors differ markedly.<sup>25</sup> For example, there is a far greater need to achieve a consensus among policy actors if their resources are highly interdependent. Hence, likely policy outcomes may be inferred by examining the extent and nature of resource dependencies. Policy networks are well equipped to capture the informal aspects of policy-making, too, since they concentrate on all actors who are involved in the network. More importantly, the focus on resource dependencies eliminates the *a priori* distinction between state agencies and private interests which is so dominant in traditional policy analysis.<sup>26</sup>

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<sup>24</sup> The importance of policy implementation, policy impact and evaluation in the policy circle is for example discussed in B.W. Hogwood & L.A. Gunn, *Policy Analysis for the Real World*, Oxford University Press, 1984. Chapters seven and eight of the thesis demonstrate that these aspects are highly relevant to EU policy-making.

<sup>25</sup> For example, Hogwood & Gunn *op.cit.* noted, resource dependence forces participants to compromise notion alludes to the common interest of participants, i.e. the search for a solution to a policy problem.

<sup>26</sup> Proponents of statist views such as Atkinson and Coleman have however been disquieted by this trend, as is evident from this quote: "Progress toward a multi-level model of the policy process, in which networks and communities play a critical role, will be hampered by a slavish devotion to pluralist images of the state. Although the modern state may be a highly fragmented and divided entity, it is not reducible to its parts nor can it be dissolved into a collection of policy networks. In constitutional democracies, no policy-making institution is an entirely independent entity. The state consists of a set of executive, administrative, deliberative and adjudicative institutions whose peculiar character and relationship to one another will influence the integration of policy communities, the structure of policy networks and the values nurtured in both." {Atkinson & Coleman *op.cit.*, p.165}. Kassim argues along these lines, though less bluntly, in respect of the "institutional density" of the EU which means "...that there is greater scope for the institutions involved to devise strategies that reflect or distil specifically institutional interests, or political sensitivities." {Kassim *op.cit.*, p.22.} In view of the findings in the previous two chapters, these authors' reservations are justified, at least as far as the EU is concerned. Although there are numerous divisions between the various formal policy-makers, there is evidence that they have, overall, retained a certain autonomy which may not be adequately captured by individual policy networks studies, nor by an aggregation of these.

Consequently, PNA is not based on preconceived assumptions about the nature of the boundaries between the private and public spheres. This aspect of networks analysis is particularly beneficial, since the findings in Chapter five revealed that the relationship between the private and public spheres is varied, dynamic and often very diffuse. The nature of resource dependencies tends to be reflected in the structural organisation within policy networks and in the intensity of exchanges between actors. Therefore, monitoring structural or interactive change will give an analyst indications that the nature of resource dependencies is changing. Alternatively, if it can be established that resource dependencies have changed, it will be possible to anticipate structural and interactive change. While these linkages cannot explain cause and effect relationships with regard to policy change, they are at least a starting point for such investigations.

There is another, far more important advantage, which arises from the centrality of the concept of resource dependency as espoused in PNA. The preoccupation with resource dependencies reflects a more basic preoccupation with the distribution of power in policy processes. Resource dependency forces policy actors to come together and trade their resources. Those who possess a large number of resources and/or highly sought after resources have more power to influence policy outcome than those with minimal resources, because the former are in advantageous trading positions.<sup>27</sup> An examination of the nature and extent of resources that actors possess will thus provide *some* indication as to who influences policy outcome, and to what extent. Since this is *the* central question with which policy analysts are concerned, PNA has far more analytical potential than may be assumed at first sight. However,

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However, the state agent versus non-state agent dichotomy can be tested within policy networks, provided explicit attention is paid to the issue, because policy networks analysis neither assumes that there is, nor that there is not, a distinction between these types of agents.

<sup>27</sup> Confirmed in different language and context by Putnam's two-level game "theory".

there are a number of factors which limit this potential to varying degrees. The most important obstacles are outlined below and so are possible means of overcoming them.

Despite the focus on resources, existing literature fails to clarify exactly what counts, or does not count, as a resource. The easiest way to solve this problem is to count 'anything tradable' as a resource, including such intangible resources as legitimacy, public support. Yet, it is hard to measure some of these resources and to evaluate their relative value in relation to other resources. This task is made all the more difficult since the relative value of each resource is a function of the demand for that resource within a particular policy network. For example, 'public support' may be a more sought after resource in respect of environmental policy-making than in respect of policy on technical standardisation. Similarly, technical expertise may be a more valuable resource for health and safety issues rather than for policy-making on industrial relations. A detailed examination of the kind of resources required to produce a specific policy will provide signposts, but will not eliminate all grey areas of analysis. Furthermore, it is also necessary to carry out an audit of resources in respect of each actor so that the existing resources can be contrasted with the required resources. Within limits, this exercise then allows inferences as to the relative value of each type of resource.

It is often very difficult to delineate individual policy networks because it is not always immediately clear what constitutes resource dependencies and what amounts to breaks in these resource dependencies.<sup>28</sup> For example, certain actors may have resources that are relevant only at certain stages of the policy process, like the

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<sup>28</sup> These problems discussed for example in Atkinson & Coleman *op.cit.*; Kassim *op.cit.*; Dowding *op.cit.*, 1995. Peterson *op.cit.*

implementation stage. Consequently, structural variations within networks may arise. Others may consider that they have resources which are needed to produce policy outcome, while key policy actors consider their resources as irrelevant. Given these diffuse areas, analysts may find it difficult to decide objectively if certain policy actors should be counted as part of the cluster of policy actors that makes up a policy network. It may be misleading, too, to analyse individual policy networks in isolation, since they influence one another and can even overlap to the extent that it becomes difficult to judge if they are still individual policy networks or have become two-tiered, but merged entities. These difficulties, which are unfortunate, but limited, are explored in greater detail in Chapter seven in relation to food policy-making in the EU.

#### 6.2.3. Model or Theory?

Is PNA a fully developed theoretical tool with explanatory potential or is it first and foremost a model whose merits arise largely from describing and ordering data? Since PNA provides some indications of the locations and levels of power among policy actors it would be unfair to dismiss it as a purely descriptive device. However, its theoretical potential is in so far very limited as power distributions at the meso-level cannot be treated independently. They are mediated directly by power constellations at the macro-level as well as by the ways in which policy actors use, or misuse, their resources, that is by policy behaviour. Therefore, meso-level analysis must be embedded in both macro- and micro-level theories in order to achieve its full explanatory potential. This point has been accepted by most proponents of policy networks analysis, including Rhodes and Marsh.<sup>29</sup> For example, Raab noted that

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<sup>29</sup> Dowding's (*op.cit.*) recent review of the appropriate literature substantiates this point, but see also Marsh *op.cit.*, both 1995 papers.

"...we are confronted with the problem of how to understand what goes on within policy networks - construed as pluralist, corporatist, or in any other way - and between these sites of interaction and their encompassing structures.<sup>30</sup>

Similarly, Marsh stressed that

"...in order to explain the membership of networks, and the outcomes of them, the policy network model needs to be integrated with both micro-level and macro-level analysis."<sup>31</sup>

If PNA cannot provide a theory of power in its own right because it is only one of several levels of interlinked analysis, it could be concluded that its theoretical potential is very limited after all. This may be true particularly for EU policy-making because of the well documented tendency by ministers in the CoM to engage in extensive policy trades-off. Since such deals introduce new variables, so expanding the 'policy game' beyond individual networks, they can alter entirely expected policy outcome within a particular network. Consequently, analysis of individual networks may raise more questions than it can answer, unless it is adapted in such a way that it can take account of exogenous forces that mediate the internal workings of the network.<sup>32</sup>

PNA has thus limited explanatory potential in its own right and it would be incorrect to label it a 'theory of policy-making'. However, for the following reasons it would be equally inappropriate to argue that PNA has no intrinsic explanatory potential at all. First, PNA supplies a number of clues in respect of power distribution within specifically defined parts of a political system. These clues can be used to construct

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<sup>30</sup> Raab *op.cit.*, p.78.

<sup>31</sup> Marsh *op.cit.*, p.3.

<sup>32</sup> See Section 6.4.

an approximate picture of power distribution within a political system, especially if several policy networks are investigated. Macro- and micro-level analyses can build on these markers. Second, within each policy network some predictions can be made about the location of power if the resources of the policy actors are matched against the resources needed to create a workable policy. If the policy resources of an actor overlap significantly with those required to produce a policy outcome, then this actor has more potential power than others to influence the policy process. If an empirical investigation indicates that this is not the case, then explanations for the discrepancy between the potential and actual power have to be found. It will be imperative to draw upon macro- and micro-level theories in order to account adequately for the differences, since the internal dynamics of the meso-level of analysis should produce an outcome which is at odds with the actual empirical findings. However, the extent and nature to which anticipated and actual findings vary provides important signposts as to what type of macro- and micro-level explanations may cast light on findings that are, at first sight, obfuscatory.

Policy analysts usually acknowledge the potential of PNA, but also emphasise the theoretical limits of meso-level analysis. Subsequently, some of them have linked PNA to broader theoretical considerations at either the macro-level and/or the micro-level of analysis. Theorising has taken a number of different formats and has drawn on material from many disciplines within the social sciences. The most pertinent contributions are evaluated briefly in Section 6.3.

### 6.3. Introducing Theory Into Policy Networks Analysis

Benson, Rhodes and Marsh have been at the forefront of linking PNA with macro-level theories of the state. All three have argued that policy options and processes within policy networks were severely restricted by the power structures that exist at the systemic level. Consequently, these power structures helped to shape networks.

All three theorists have probably overstated the restraints of the systemic power structures (political or economic), thereby producing final analyses which differ only marginally from more conventional theories of the state. For example, Benson constructed an 'interorganizational theory of the state' which is essentially neo-pluralist since he argued that the "...complex of interorganizational resource dependencies [i.e. networks] constitutes a structure of class domination."<sup>33</sup>

Rhodes locates policy networks analysis within a quasi-statist framework since he underlines the extent to which national governments shape individual policy networks. Although he pays some attention to broader economic, informal political and ideological pressures, he credits these with very limited mediating powers.<sup>34</sup> Rhodes' contribution should lay to rest concerns that PNA is "...hampered by a slavish devotion to pluralist images of the state."<sup>35</sup> However, his statist leanings seem somewhat incompatible with his claim that policy networks analysis should be "...located within very different macro-theoretical approaches".<sup>36</sup> Furthermore, Rhodes emphasis on government structures have led him to neglect increasingly the actual exchange dynamics at the meso-level and hence, some of his discussion are now firmly re-located within the far more static realm of structural-functionalist discourse. This development has been criticised, since it undermines some of the potential of PNA. Thus, Rhodes *prematurely* assumed that his contextualisation would silence criticisms that "...the concept of networks is used descriptively and that the [intrinsic] theoretical scope is narrow."<sup>37</sup>

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<sup>33</sup> Benson *op.cit.*, 1982, p.176.

<sup>34</sup> See for example, Rhodes *op.cit.* "Power Dependence"..., 1986, pp.35-43 and 408-10 as well as Rhodes *op.cit.*, 1992, pp.48-77 where Rhodes emphasises that changes in the national government environment affected outcomes in respect of local government policy networks.

<sup>35</sup> Atkinson and Coleman *op.cit.*, p.167.

<sup>36</sup> Rhodes *op.cit.*, 1990, p.309

Some of Marsh's contextualisations are reminiscent of Rhodes' work. However, very recent work by Marsh appears to extend the search for suitable macro-level theories considerably.<sup>38</sup> Furthermore, he acknowledges increasingly the need to look at micro-level theories.<sup>39</sup> In this respect, Wilks and Wright wholeheartedly agree with him:

"To understand how and why a policy network operates, it is necessary to understand the 'unwritten constitution' which guides the behaviour of the actors towards each other and influences the strategic deployment of their resources."<sup>40</sup>

However, they both rejected

"...the notion of grand theories of the state arguing that in the sectors they analysed across Europe there was little correlation between the degree of government intervention in different nations and the categorization of the state in those nations as interventionist or non-interventionist."<sup>41</sup>

With regard to micro-level theorising, Wilks and Wright have drawn heavily on rational choice theory, although, contrary to scholars such as Dowding or Salisbury, they conceded that social and cultural conditioning can mediate rational, self-interested choices considerably.<sup>42</sup> Other scholars, such as Raab, have followed in the

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<sup>37</sup> *ibid.*, pp.308-9.

<sup>38</sup> Marsh *op.cit.*, 1995, both unpublished references

<sup>39</sup> *ibid.*

<sup>40</sup> M. Wright *op.cit.*, p.609.

<sup>41</sup> Dowding *op.cit.*, pp.140.

<sup>42</sup> See for example the discussion on British farming interests in, K. Dowding, *Rational Choice and Political Power*, Edward Elgar, 1991 or R. Salisbury's article on exchange theory, a rather naive version of rational choice theory that maintains that policy actors are more concerned with self-interested gains within their immediate environment than with policy outcomes. {R. Salisbury, 'An Exchange Theory of Interest Groups', *Midwest Journal of Political Science*, 13, 1969, pp.27-8.



footsteps of Wilks and Wright.<sup>43</sup> As explained in Chapter three, this synthesis actually enhances behavioural analysis since it links it with the broader question of the structure-agent relationship and avoids thus excessive essentialism. Raab seems particularly aware of this issue:

We are also brought face to face with a classic dilemma in social science, the relationship between action and structure., which underlies some of the difficulties inherent in attempts to find an adequate conceptualisation of policy networks....The problem of action and structure is possibly resolved through the analysis of structuring, or structuration, in which the focus is upon process in time, seen in terms of events..."<sup>44</sup>

Few scholars have developed the structure-agent debate in great detail, but Sabatier is a notable exception. This American policy analyst developed explanations based on an interpretation of the policy process as a belief system. In Sabatier's world, participants in the policy process are strongly influenced by values and beliefs, but they are not just manipulative pawns because, *over time*, they discover "...deficiencies in the existing program and then develop a series of strategies to deal with them."<sup>45</sup> Thus, they undergo a "...process of policy learning..." which affects their individual behaviour in such a way that they become more attuned to the needs and values of other policy actors. In turn, these changed attitudes lead to different interactions at the group level and at the level of group and government exchanges, with the result that policy demands converge increasingly and that policy-making becomes gradually more consensual.<sup>46</sup> Although competing 'belief groups' continue to exist, this process leads to a reduced potential for policy change. Sabatier referred

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<sup>43</sup> Raab *op.cit.*

<sup>44</sup> Raab, *op.cit.*, p.78.

<sup>45</sup> P.A. Sabatier, 'Top-Down and Bottom-Up Approaches to Implementation Research: a Critical Analysis and Suggested Synthesis', *Journal of Public Policy*, 6(1), January-March 1986, p.38.

<sup>46</sup> *ibid.*, p.38.

to this phenomenon as an advocacy coalition framework.<sup>47</sup> There is a strong 'technocratic undercurrent' to Sabatier's framework, since he emphasised that learning and subsequent policy convergence was often stimulated and directed by (sometimes competing) expert advice.<sup>48</sup> For example, the current preference given to sustainable development as a form of managing underdeveloped areas of the world illustrates belief congruence, based on expert advice, as identified by Sabatier and other proponents of the advocacy coalition framework. However, not all change is initiated by expert advice. Exogenous change, such as an economic crisis or political transformations elsewhere in the system, can provoke a learning response, too.

Proponents of the advocacy coalition framework could be accused of logical inconsistency, because they use social conditioning as a point of departure, but subsequently underline the importance of learning as a means to policy solution and, often, associated policy change. However, they have in fact conceptually linked these two elements, albeit rather vaguely. Apparently, policy participants have certain basic core beliefs that are not affected by learning. The 'stickiness' of core beliefs also explains why, in some instances, competing advocacy coalitions are unable to compromise and, hence, policy problems remain unresolved.<sup>49</sup>

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<sup>47</sup> *ibid.*

<sup>48</sup> The advocacy coalition framework is conceptually closely related to the notion of 'epistemic communities' which emphasises learning processes in foreign policy, based on appropriate expert advice, that lead to policy convergence, thereby facilitating the emergence of international agreements, e.g. GATT, environmental resolutions, such as agreed upon at the Rio de Janeiro and Berlin Conferences, food aid. {See for example, a special issue of *International Organization*, 46(1), 1992, dedicated to the 'epistemic communities' debate.}

<sup>49</sup> See for example, P.A. Sabatier, 'From Vague Consensus to Clearly Differentiated Coalitions: Environmental Policy at Lake Tahoe, 1964-1985', in P.A. Sabatier & H.C. Jenkins-Smith (eds.) *Policy Change and Learning: an Advocacy Coalition Approach*, Westview, 1993. This account describes the unbridgeable gap between environmentalist and capitalist advocacy coalitions over the fate of Lake Tahoe, USA.

The focus on learning probably underestimates certain behavioural aspects, such as political shrewdness.<sup>50</sup> Furthermore, proponents of the advocacy coalition framework tend to downplay the possibility of coalition-building between interests whose beliefs do not converge.<sup>51</sup> Yet, coalition building without convergence exists, as can be seen from the following comment an interviewee from a European consumers group:

"Consumer organisations form temporary lobbies with others on specific issues - for example with footwear manufacturers over the VAT zero rate or tape manufacturers on copyright. These can be effective."

The interviewee confirmed that these alliances were political and had little or nothing to do with belief congruence. Such alliances exploit *coinciding interests*, and not converging beliefs.

Despite these shortcomings, the advocacy coalition framework is a useful antidote to the excessive determinism that characterises so many behavioural theories. Furthermore, Sabatier refines the usually general structure-agent debate in that, unlike most other scholars, he develops a means by which social conditioning and free will can be linked conceptually. Therefore, his work contributes significantly to the general debate on actors' behaviour, although it must be applied to *empirical* situations alongside theories of behaviour that emphasise the economic (rational choice) or political (bargaining theories) self-interest which actors can, and do, display during policy games.

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<sup>50</sup> A point which was for example made by Moe who attempted to synthesise exchange theory and belief congruence theory at the intra-organisational level. {T. Moe, *The Organization of Interests*, University of Chicago Press, 1980.}

<sup>51</sup> A criticism which was also raised in Hann's recent discussion of Sabatier's theory. {See A. Hann, 'Sharpening up Sabatier: Belief Systems and Public Policy', *Politics*, 15(1), 1995, pp.19-26.}

This short discussion on the interaction between various levels of analysis confirms earlier empirical and theoretical findings as follows: no individual macro- or micro-level framework seems to explain policy outcomes adequately, even when examination is refined by concentrating on meso-level analysis, too. Therefore, none of the frameworks presented can be labelled strictly a theory, because it is not generalisable. Hence, should theorising be abandoned on the grounds that it is not leading anywhere? As is evident from Vincent's deliberations, such a conclusion would signal a profound misunderstanding of the function of theories within the field of social sciences:

"Social and political theories tend to differ from scientific theories. It is much harder to say that social and political theories are true or false, partly because the falsity of one theory will be premised on the assumption of another theory, assumptions which again may be judged as false by others. Social and political theories tend actually to constitute the reality of politics; there is no independent reality to which they apply or which will adjudicate between the competing claims to truth. We explain and understand ourselves in politics in theoretical terms. Theory thus has a constitutive role. Scientific theories, on the contrary,...Social and political theories, unlike those in science, are not really empirically testable. The test of social and political theory is its fruitfulness in explaining the social world..."<sup>52</sup>

Surely, the last statement authenticates that political analysts need to (a) draw a picture of the social world - or whatever aspect of it that is being researched - and (b) explain the dynamics of this picture as well as possible, by using as many promising explanatory tools as possible. 'Promising' in this context limits the choice of explanatory tools to those whose content bears at least superficially some

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<sup>52</sup> Vincent *op.cit.*, p.40.

resemblance to empirical phenomena.<sup>53</sup> As demonstrated in this chapter, the introduction of meso-level analysis in the form of PNA, helps to determine what are, and are not, promising explanatory tools because it provides the analyst with crucial additional information, including hints on how policies should be shaped, if they were not mediated by macro- and micro-level influences.

6.4. Policy Networks Analysis and Policy-Making in the European Union:  
Locating Meso-level Analysis within Macro- and Micro-level  
Approaches

This chapter has introduced PNA as a comparatively sophisticated meso-level framework that provides a suitable point of departure for analysis of data on interest representation and policy-making, including the material collected for this research project.<sup>54</sup> Yet, it has also become evident that PNA will need to be integrated in a multi-level analytical framework in order to make the most of the data. For this reason, *PNA must be regarded as a complement, and not an alternative*, to the various other models, theories and approaches that have been explored in this thesis. However, any discussions on the complementarity of the various levels of analysis must be postponed until an incontestable case for the applicability of PNA with regard to EU policy-making has been made. Earlier in this chapter, it has been argued that PNA is a suitable analytical tool for the study of EU policy-making, because it is concerned with the interactions between all kinds of political

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<sup>53</sup> For example, it makes sense to look at neofunctionalism in the context of European integration. However, it is pointless to seek to explain European integration in terms of absolutist interpretations of the state.

<sup>54</sup> For reasons of convenience and to avoid any semantic confusion, any further discussions of PNA in the thesis are based on the Rhodes-Marsh model and the ways in which these two scholars have linked terminology and concepts.

organisations and *government*. Yet, this argument creates some complications, because the EU is a unique political system which does not have an ordinary government. Hence, the case for PNA is not as self-evident as it might seem at first sight.

Given that nation states have become the dominant political entities over which ‘governments’ have authority, the notion of government is now associated closely with the concept of ‘nation state’, at least in everyday language. Moreover, in liberal democracies, the notion of government is associated with electoral accountability. The ‘government’ of the European Union does not befit these perceptions. Indeed, there is no ‘proper government’ in the EU, given the peculiar institutional and functional make-up of this political entity. However, upon closer inspection of the notion of ‘government’, it becomes clear that the absence of a unitary body of governors does not preclude the use of PNA in the context of the EU. Whatever connotations the term ‘government’ has in everyday language, its meaning is in fact neither limited to the description of a unitary body, nor is it necessarily associated with authority to rule over a specific territory or to rule in a particular way.<sup>55</sup> One of the meanings of “government” is synonymous to the concept of “governance” and the latter is defined either as “a method of management, a system of regulations” or as “the office, function or power of ruling with authority”. Although the EU does not possess a body that corresponds to conventional notions of government, its institutional and constitutional arrangements are fully compatible with the two definitions for the term “governance”.

Although PNA is applicable in the context of the EU, any analysis that fails to take account of the idiosyncratic make-up of the European body politic is unsatisfactory

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<sup>55</sup> See the various definitions of ‘government’ in, for example, The Concise Oxford English Dictionary, *op.cit.*

because governance of any kind within the EU is taking place within a national versus supranational dichotomy.<sup>56</sup> This dichotomy shapes policy processes and outcomes and cannot be ignored. Hence, it is necessary to adjust the Marsh-Rhodes model of PNA to this Euro-specific environment. Initially, the model can be expanded usefully by adding a category of classification for the level of interest that policy actors represent, that is subnational, national, supranational. Evidently, it is necessary to classify informal as well as formal policy actors in this manner. This extra variable provides information that can then be assessed in the light of 'integration theories', so illuminating certain aspects of the perennial debate on the distribution of power between subnational, national and supranational forces in the EU.

Since PNA is concerned with the interaction of aggregated interests and government within specified resource dependent clusters, it is a single level analytical tool. Yet, as a result of the dichotomous nature of EU policy-making, the interaction between aggregated interests and 'government' in the EU does not take place only at a single level. Occasionally, single level exchanges are involved but, more often than not, two, or even three-level exchanges take place. This point can be illustrated as follows. Many national companies present their policy interests to representatives of national governments only, even if the policy in question is made at the European level. They expect the national governments to take account of their interests and speak on their behalf at European level negotiations. Therefore, the companies in question are involved in single level exchanges only, whereas the government representatives are engaged in two-level exchanges. If individual companies represent their interests both at the level of national and European levels, they are, correspondingly, also involved in two-level exchanges. Similarly some Euro-

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<sup>56</sup> This claim is substantiated by the data presented in the thesis and has been confirmed also by many of the studies on the EU which have been referred to in earlier chapters of the thesis.

organisations do not have national equivalents with whom they have to engage in exchanges. Their only interactions are at the European level and, hence, these are single-level actions, too.

There are three ways in which the multi-level nature of interaction can be tackled, but only one of them is fully satisfactory. In theory, PNA could be broken down so that each network would be concerned with single-level exchanges only. Thus, PNAs, concerned with European policy, would incorporate only those policy actors that aim to influence policy outcome *directly*. The contributions of those policy actors who solely engage in interaction at the national level would be analysed in the context of different, exclusively national policy networks. This approach is not entirely unacceptable but it introduces artificial fragmentation of an interdependent policy process, thereby disregarding existing resource dependencies and patterns of interaction that are directed by resource interdependence.

It is possible to argue that the multi-level nature of European policy-making makes it, after all impossible to use PNA and that other analytical tools, such as a multi-game approach, should be used instead.<sup>57</sup> This is a feasible option, but has certain draw-backs associated with conventional multi-game approaches, namely the focus on specific key bargaining situations, rather than day to day policy-making, and on formal policy actors; the limited level to which multi-level game approaches have developed means of classification. Moreover, multi-level game approaches are based on the assumption that exchanges take place in an international, and not a supranational milieu. Yet, each of these environments creates different conditions under which policy-making takes place.

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<sup>57</sup> See Chapter three, especially the discussions on linkage politics and multi-level games, as espoused for example by Putnam, *op.cit.*



Instead of rejecting either PNA or multi-game approaches, it is possible to use the two analytical tools simultaneously. Although Putnam and other IR specialists have used multi-level game approaches in order to illuminate international interactions, the basic logic of multi-level games is not tied to any specific bargaining context and is, thus, applicable to almost any situation where political interactions and bargains take place. Hence, the logic of multi-level games can be applied successfully within policy networks so as to cast light on the ways in which the multi-level games, that some policy actors play inside the network, shape their behaviour, their positions, their functions, and, thus, indirectly, the overall nature of the network itself.

The juxtaposition of multi-level game approaches and PNA creates synergies which facilitate a more sophisticated analysis than each individual tool can provide. Yet, it will still be necessary to link the extended PNA to macro- and micro-level theories. With regard to micro-level theories, it is best to bear in mind that policy behaviour is not shaped by single forces.<sup>58</sup> In view of the dichotomous nature of the EU, macro-level theorising must be linked directly to the various integration theories outlined in chapter three, whatever their limitations. As seen in Chapter three, this exercise will involve multi-level games approaches, too, but in a different context, that is in the process of analysing the ways in which international style bargaining in the Council of Ministers and the European Council mediate the potential policy outcomes of individual networks and are, themselves, affected by the particular shapes of individual policy networks. Given the tendency for trades-off and policy package deals in the EU, this stage of analysis is crucial!

In addition, 'theories of the state', such as pluralism, neo-pluralism, elitism, need to be considered too, since they are concerned with elucidating aspects of the nature of

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<sup>58</sup> See the various conceptual discussions on policy behaviour as well as the empirical material presented in the thesis. Both set of data confirm this point.

the EU which are entirely different from those illuminated by integration theories. Integration theories are concerned with the level of vertical integration or fragmentation; 'theories of the state' are concerned with the overall distribution of power within a political entity. As is evident from the terminology, 'theories of the state' are traditionally concerned with analysis at the level of nation states, but only because the latter are currently the predominant political entities across the world and not, because they can be applied to the 'state' only.<sup>59</sup>

There is no doubt that the analytical framework, which has been elaborated here, is extremely complicated. However, since policy-making in the EU is complex, a differentiated analytical framework is necessary, whatever the practical drawbacks. Yet, it is impossible to examine sufficient empirical data to test this analytical framework fully within a single piece of research, especially one that is limited in scope and length. However, the subsequent chapter provides an opportunity to test some aspects of the analytical framework, especially the extended policy networks approach, albeit not exhaustively.

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<sup>59</sup> For a more detailed justification for this stance, see Chapters four and five.

## **CHAPTER 7:**

### **FOOD POLICY IN THE EUROPEAN UNION**

#### **7.1.        Introduction**

The conceptual framework for the analysis of European policy-making, as proposed in Chapter six, is in need of extensive testing. While it is not possible to respond to this need fully within the limits of the current project, it is feasible to look at a case study so as to gain some *preliminary* test material.<sup>1</sup> For the reasons outlined in Chapter one, the case study which aims to provide some initial test material refers to the making of food policy in the EU. The actual case study is preceded by a brief synopsis of the background to food policy-making in the EU. The case study itself looks at all stages of policy-making, including implementation, evaluation and reactions to new policy output by those who are most affected by the new legislation. For reasons of manageability, the case study revolves around certain key issues relating to the making of food-policy during the preparation of the single European market and is, therefore, not exhaustive.

In many of the EU member states the production, processing and marketing of food and beverages has been regulated to varying degrees by public authorities for well

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<sup>1</sup> The benefits and limitations of the case study approach have been pointed out elsewhere in this thesis, namely in Chapter 1. In addition, the findings in Chapters four and five indicate that, although vastly different in some respects, individual areas of policy-making in the EU have nonetheless some common traits.

over a century.<sup>2</sup> The main objective of food regulation throughout history has been the safeguarding of public health. More recently, regulation also aims to inform customers of the composition and quality of products.<sup>3</sup>

Despite immense amounts of research, the extent of regulation needed to achieve these aims cannot be determined easily, particularly since many areas of food policy-making are characterised by intense scientific controversies and disagreements. Consequently, attitudes towards food regulation have evolved idiosyncratically within individual member states, mediated by different ideological, historical, legal and scientific traditions.<sup>4</sup> Subsequent differences in policy-making have been reinforced by a marked divergence in national and sub-national consumption

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<sup>2</sup> For brief histories of food regulation, see for example, D. Coates, 'Food Law: Brussels, Whitehall and Townhall', in Lewis, D. & Wallace, H. (eds.) *Policies into Practice*, Heinemann, 1984, pp.144-60; J. Horton, 'EEC Food Laws - will Barriers be Removed After 1992?', Presentation at a Symposium organised by Leatherhead Food RA, November 1989; D. Denton, 'Food Policies Go Local', *The Food Magazine*, April/June 1990, pp.10-1, or, J. Hawthorn, 'The Food Industry: a Backward Glance', *Nutrition Bulletin*, 16(2), May 1991, pp.55-9. The earliest food legislation (Act) in a member state is thought to date back to 1266 when, in England, the sale of underweight bread and "unsound meat" was prohibited. However the beginnings of modern food law legislation in the UK can be traced back to the Food and Drugs Act of 1875. Other EU member states begin to legislate around more or less at the same time or later.

<sup>3</sup> For more detailed discussions of these aims, see for example J. Horton, 'UK Food Laws - the 1991 Situation Examined', presentation at a Symposium organised by Leatherhead Food RA, April 1991; P. Lips & F. Marr, *Wegweiser durch das Lebensmittelrecht*, Deutscher Taschenbuch Verlag, 1990, 3. Auflage, or, C. Cockbill, 'Harmonisation of Food Law', Presentation at the Conference of the National Association of Master Bakers and the Scottish Association of Master Bakers, February 1990.

<sup>4</sup> In some areas, such as labelling, there has been a marked convergence of attitudes (although not to the extent that there is no longer conflict; see footnote 50), but in other areas differences remain as entrenched as ever. Moreover, differences arise in respect of novel areas of food policy-making such as genetic engineering of foodstuffs or food irradiation, too. For more extensive discussions on the implications of national differences and attempts to overcome them, see notably International Marketing and Economic Services (UK) Limited, *1992 and the Master Baker: Export Potential Arising from the Single European Market*, Report prepared for the National Association of Master Bakers, 1990; C.P. Pappas, 'A Competitive Study of Laws and Regulations on Compositional Requirements for Cheese in the EC Member States', *British Food Journal*, 90(4), 1988, pp.163-5; E. Morris, 'Labelling and Foods for Particular Nutritional Uses', Paper presented at a Symposium organised by Leatherhead Food RA, November 1989.

patterns.<sup>5</sup> In turn, these differences continue to justify particular processing methods which, often, require specially adapted legal provisions.<sup>6</sup>

Thus, food policy-making evolved within strong national traditions but, following the signature of the EEC Treaty, there was a broad consensus that food policy-making should in future be regulated at the European level, given the economic importance of the food and drinks industry. The policy-makers must have been aware of the ambitious nature of this decision, since, in theory, they decided to apply the principle of subsidiarity in order to avoid excessive conflict and imposed

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<sup>5</sup> In recent decades, consumption patterns have developed in two, contradictory, ways. On the one hand, increased travel and global marketing has led to greater variety in consumption habits. On the other hand, a few global products have emerged, namely coca cola, philadelphia cheese and fast food products, so signalling a limited homogenisation of tastes. Yet, despite these two trends, cultural (often local, regional or national) culinary preferences continue to thrive. Both interviewees from Kraftfood and Mr. Monbiot emphasised that global products remained very much the exception and that even these are often slightly adjusted to cater for local tastes. For example Nestlé Instant Coffee comes in more than 14 varieties in Western countries alone (Europe, USA, Canada). For more detailed studies on recent trends in consumption patterns, see for example C.P. Gebhard, *'Strategic Outlook for the 1990s: the Food and Drink Industry'*, London, 9 February 1988; *BVE*, Jahresbericht 1989, Bonn, 1990; Sir P. Carey, *'Changing Food Patterns in the 1990s: New Consumer Habits and the Implications for Retail and Processing Firms'*, Presentation at the World Economic Forum Annual Conference, February 1990; B. Saunders, 'The Future Role of the European Consumer', *British Food Journal*, 93(2), 1991, pp.21-4, or, J. O'Connor, H. Wilkins & B. Boyce, 'Food Consumption Patterns Towards the Millennium', in Brace & Patten (eds.) *op.cit.*, pp.58-60 (photocopy in Appendix V).

The varied nature of eating habits is apparently replicated in other areas of consumer behaviour too, e.g. with regard to clothing, preferences of toys, etc., thus confirming the continued existence of cultural heterogeneity among Europeans. On this point, see for example, H. Daems, 'The Strategic Implications of Europe 1992', *Long Range Planning*, 23(3), June 1990, pp.41-8.

<sup>6</sup> Food colours and food additives are two areas that reflect idiosyncratic developments in processing, but also in consumer preferences. {Consequently, they have become areas of conflict at the European level (see footnotes 48 and 50 ).} Often, specific additives have helped processors to produce food stuffs that are attractive to certain consumer groups, but not to others. Mushy peas are a classic example and so is the "British banger". For further information on such idiosyncrasies, see for example, *EP News*, 'Food for Thought in Colourants Row', 8-12 March 1993, p.4, which provides a synopsis of the battle to keep peas green. *EP News*, 'We're not swallowing grey frozen chips!', 14-18 November 1994, p.2. tells a similar story, but in respect of phosphate based additives that preserve the appetising colour of frozen potato products. R. Watson, 'Brought to the Market', *The European*, 23-27 December 1992, p.39 recounted the - eventually successful battle - to safeguard the British 'banger'.

homogenisation.<sup>7</sup> However, at that stage, this principle was not anchored in the constitution, nor was it really taken into account in practice. Despite the problems of overcoming national differences, the Commission increasingly insisted on recipe-type legislation, regardless of opposition from food processors and in spite of the Commission's rhetorical commitment to remove all technical barriers that hindered EU intra-trade of foodstuffs.<sup>8</sup> Inevitably, disagreements were rife and progress was limited and less than 50 directives and regulations relating to foodstuffs had been passed by the late 1970s, although the first EEC piece of legislation had been on food colouring.<sup>9</sup> This lack of progress was particularly frustrating, given that the Commission had set up numerous working groups and a Standing Committee on Foodstuffs shortly after the inauguration of the EEC. However, the limited process can easily be understood, given the rigidity of recipe-type legislation, the idiosyncratic nature of food policy-making in the member states and the continued national self-interest that permeates every area of EU policy-making.

The major disagreements had related to basics, such as the extent of regulation,<sup>10</sup> as well as to specific issues such as the types or composition of fat, used in the

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<sup>7</sup> See for example, A. Swinbank, *'Subsidiarity and Food: The Political Economy of Mutual Recognition'*, Paper presented at the ESRC Conference on the Evolution of Rules for a Single Market, University of Exeter, 8-11 September 1994.

<sup>8</sup> Recipe legislation prescribes all ingredients for a food or drinks product in great detail.

<sup>9</sup> See Chapter one, Section 1.3 as well as D.J. Jukes, 'The Structure of Food Law Enforcement in the United Kingdom', *British Food Journal*, 90(6), 1988, pp.239-49.

<sup>10</sup> Food processors fear extensive regulation because it tends to add extra cost to processing and reduces freedom, in respect of product range, innovation, processing methods, etc. {See for example, K. Anderson & R. Tyers, 'Effects of Gradual Food Policy Reforms in the 1990s', *European Review of Agricultural Economics*, 19(1), 1992, pp.1-24.} Yet, as mentioned above, they are also worried about too much deregulation because they associate it with extra competition. See for example the comments by two small UK processors who completed the questionnaire on The Single European Market and the Food Industry. "UK Food Industry has already lost a great deal due to European imports."; "flooded by cheap products from other countries".

production of certain goods. Broadly speaking, processors and retailers have favoured as little regulation as possible, while consumers, environmentalists and producers (in the form of CAP) have favoured greater levels of regulation. These trends have been reflected also within the Commission, with DG III being the most free market oriented Directorate-General that is involved directly in legislating on foodstuffs. Ideological and political cleavages exist in the European Parliament, too, where the Committees on Agriculture, Fisheries and Rural Development and on Environment, Public Health and Consumer Protection have divergent political agendas.<sup>11</sup> Moreover, the latter is in itself divided between non-interventionists and interventionists, with a tendency to be dominated by the latter.<sup>10</sup> Finally, divisions are equally marked in the CoM, since some governments have been pushing for more deregulation and/or subsidiarity than others, emphasising the need for flexible processing in the light of ever more demanding and sophisticated consumers. On the whole, this view is endorsed by the 'classical' non-interventionists, that is the UK, Denmark, Ireland, but it is prevalent on occasions elsewhere, for example in the Dutch or German governments. Therefore, it must be underlined that none of these differences are cast in stone and, depending on individual circumstances, views on the correct level of regulation and alliances change.<sup>12</sup> In the light of such marked

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Nevertheless, they appear to be concerned principally over extra regulation and cost which is evident from a recent article in the *EP News*. {*EP News*, 'Food Law Concern', 19-23 April 1993, p.3.} and from comments by other questionnaire respondents: "New regulations will influence production negatively." (small UK processor); "improvement to premises necessary; extra cost" (small UK processor); "complying with legislation is costly".

<sup>11</sup> Several interviewees expressed this view, including the personal assistant to the German MEP referred to in Chapter five and the interviewee from the British Gin Rectifiers and Distillers Association, interviewed on two occasions in autumn 1992 (Andover).

<sup>12</sup> On this point, see also the more general discussion in Chapter four, Section 4.4.2., on interventionism, as well as the references in Chapter five to environmental and consumer lobbies which confirmed that these managed to push the UK government into demanding legislation for the welfare of animals during life transport to another EU country. All interviewees from the FDF confirmed that they had worked hand in hand with consumer and environmental groups and the government on this issue,...at least up to a certain point!

variety and fluidity, it has been necessary to base discussions on the nature of food policy-making in the EU on empirical observation. The major findings of this undertaking are presented here a holistic approach has been adopted which included considerations on policy formulation, implementation *and* impact. The data were analysed in order to cast further light on the general discussions in Chapters four and five and to test some of the theoretical deliberations espoused in Chapter six. Initially the entire food sector was treated as a resource interdependent single policy network, but subsequent analysis indicated that this view is controversial and that there may be sufficient breaks in resource dependence to have to disaggregate food policy-making further into sub-sectoral networks. Controversy arises in part from difficulties in defining resource dependence, an issue which was considered in the previous chapter and will be discussed again in the latter parts of the current chapter.

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Another issue, that revealed national preferences and interventionist tendencies, concerned grape vines. The Bundesverband Deutscher Weinbauer, Bonn, was worried about the free movement of vines across EC countries and argued that checks in Southern European countries were not adequate to safeguard the health of Europe's vineyards. The trade association lobbied the German government until the latter raised the issue at the European level and demanded some form of protection for German vines. This point confirms that trade associations can put issues onto the agendas of politicians. It *may* confirm, also, the slightly prejudiced attitudes of some Northern Europeans towards their Southern counterparts. {The information on this issue was provided by the two employees working (in 1991) at the Bundesverband Deutscher Weinbauer, who were interviewed for this study in summer 1991. At the time of the interview, no firm decisions had been taken as yet. }

Bananas, too, provoked the British government, together with its French and Spanish counterparts, to adopt interventionists tendencies. The three countries formed an alliance so as to ensure that regulation would protect their markets from being flooded by cheap "dollar" bananas, following the onset of the SEM. Their fears were quite justified since banana prices in the UK, France and Spain had been artificially high, due to specific arrangements with (former) colonies and the growers in the Canary Islands, respectively. On the other hand, the Germans, who consume more bananas than any other EU citizens, had enjoyed the cheaper "dollar" bananas for years and opposed the three countries on this issue, together with the big three multinationals in the banana trade, that is Del Monte, Chiquita and Dole. However, a compromise deal was eventually struck which continues to favour the protectionist arrangements with (ex-)colonies and the Canaries, albeit to a lesser degree. On the complicated issue of the 'banana' war - which also demonstrates that multinationals do not always get their way, especially if their demands are politically not acceptable - see for example, J. Pettifer, 'Going Bananas', *The Guardian*, 23 March 1993, special inset; J. Wolf, 'EU Calls Truce in Banana Wars as Four Latin-American Countries Sign Deal', *The Guardian*, 30 March 1994, p.14; CEC, WE/31/94, and, Pedler *op.cit.*, 1994, Ch. 3.



## 7.2. From Euro-Recipes to Horizontal Framework Legislation

During the first decade of food policy-making it became evident that dirigiste, recipe-type legislating produced virtually unworkable policies and hindered, rather than furthered, integration. The problems with which food and drinks processors were faced as a result of this narrow approach are symbolised by the following complaint: "It has taken 14 years to agree a Jams Directive, so how much longer will it take to deal with all other foodstuffs?"<sup>13</sup> Hence, there was soon widespread consensus that this approach was not suited to create a genuine internal market for foodstuffs. However, by the time the problems were recognised, the dirigiste approach had been institutionalised to the extent that it was nearly impossible to challenge it, particularly since it served the self-interest of some parties involved, namely the over enthusiastic team of Commission officials who were responsible for food policy. However, it would be erroneous and unfair to blame them alone for the lack of change in the way in which European food policy was made. Although food processors objected largely to prescriptive policy-making, many of them were frightened of the impact that a genuinely open food market might have on their business fortunes. Since lack of progress ensured that extensive, if sometimes invisible, protectionism continued to thrive, they were not as committed to progress as might have been expected. This underlying resistance overspilled on occasions to the appropriate ministries in the member states, particularly since most of these were dominated by the interests and culture of food producers, and not processors. As explained in Chapter five, the former tended to favour dirigisme to various extents, particularly at the level of national policy-making. Thus, the superficial agreement

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<sup>13</sup> Cockbill *op.cit.*

that change was necessary did not, in practice, lead to any significant inroads into the way in which food policy-making in the EU operated.

Serious assaults on recipe-type harmonisation began only following the re-definition of harmonisation, the adoption of the principle of mutual recognition and the introduction of horizontal framework legislation in the late 1970s.<sup>14</sup> This development mirrored the constitutive changes in the EC, referred to in Chapter two, and gave new impetus to the task of integrating the European food and drinks sector. Indeed, Lord Cockfield's White Paper on the completion of the internal market included a statement of intention to give special attention to legislation concerned with foodstuffs.<sup>15</sup> Moreover, in November 1985 the Commission produced a detailed White Paper for the establishment of an integrated market in the food and drinks area. The size and scope of this ambitious paper symbolised the continued significance attributed to this policy sector.<sup>16</sup> In the event, the majority of proposals were welcomed by the various interested parties, but some policies, as well as some policy details, have caused intense debates among policy actors, especially with regard to scientific ambiguities and levels of regulation.<sup>17</sup>

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<sup>14</sup> See Chapter two of the thesis. For early evidence of this change, see e.g. D. Welch, 'From Euro-Beer to Newcastle Brown; a Review of European Community Action to Dismantle Divergent "Food" Laws', *Journal of Common Market Studies*, 22(1), 1983, pp.47-70; for more recent evidence, see *Food and Agricultural Organisation of the United Nations*, 'The Single European Market', CCP 91/19, April 1991; Swinbank *op.cit.*

<sup>15</sup> S. Fallows, *Towards 1992: Completing the EEC Internal Market for Food*, Horton Publishing, 1988, or, *Single Market News*, 'Food Law: Progress in Harmonisation of Directives', winter 1990, p.18.

<sup>16</sup> There were over 120 proposals relating to this specific area of legislation

<sup>17</sup> Many of the more controversial issues are referred to in the course of this chapter.

Notably, the pressures for recipe-type legislation have not fully disappeared. There is some concern that mutual recognition and horizontal framework legislation are not leading to a genuine integrated market, since they perpetuate differences at the national level, ironically often to the detriment of national producers.<sup>18</sup> Given the protectionist undercurrents that have characterised the interactions of food policy actors at the European level, these concerns are still smoke-screens, *at least in part*.

"Mutual recognition does break down trade barriers, but from the perspective of manufacturers this does not create a single market. This is because national rules continue to regulate product characteristics of goods manufactured and marketed within a Member State, whereas imported products are subject to different rules."<sup>19</sup>

The case against mutual recognition can be taken further, because some uncertainties in its application remain:

"Furthermore, although a considerable body of cases has been considered by the European Court, some confusion still remains regarding the precise requirements that have to be met if a product is to enjoy the benefits of mutual recognition within the EU. This centres on the question whether a product has to be both manufactured and marketed in a Member State..."<sup>20</sup>

These are justifiable concerns, but, it seems that the principle itself is less of a hindrance towards a genuinely integrated market, than the continued right of

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<sup>18</sup> For a statement that pushes towards increased use of vertical legislation and integration, see for example the *CECG's* position statement on 'Deregulation and Food Law', 28 May 1993.

The German "Reinheitsgehalt" or purity law, which determines the ingredients and production methods of German beers, if produced inside Germany, is a classical example of national regulation that is more stringent than its EC equivalent. German brewers and their representatives argued that it gave them a competitive disadvantage and the concern was such that virtually all German interviewees referred to the issue (for details, see for example, BVE *op.cit.*). As mentioned elsewhere (Boyce *op.cit.*, 1992), the political bickering over the "Reinheitsgehalt" probably increased the sale of 'pure' German beer during the 'lead-up' to 1992 because the continued discussions became almost an informal means of advertising.

<sup>19</sup> Swinbank *op.cit.*, p.9 of the conference draft paper.

<sup>20</sup> *ibid.*, p.1.

individual member states to impose stricter regulations on its own manufacturers instead of permitting all methods acceptable at the European level. This right is a further indication of persistent protectionism! Horizontal framework legislation has given rise to similar objections, since this approach perpetuates certain national differences, too, albeit to a lesser extent.<sup>21</sup>

Even if such concerns merit some attention, they cannot deflect from the positive impact that the new, more flexible approach has had on integration.<sup>22</sup> Under the new provisions, significant numbers of policies and policy amendments have been passed in a very short period, thus leading to the adoption of almost all policy proposals outlined in the White Paper on foodstuffs by the end of 1992. To some extent, progress was speeded up by the introduction of QMV in the CoM, but it would have been unthinkable to pass equal amounts of food legislation in earlier decades, even with QMV. However, progress should not be mistaken for smooth policy-making. There is still a great deal of controversy and conflict during the drafting of individual policies, partially because protectionist and dirigiste undercurrents have not disappeared entirely, partially because many issues are technically or scientifically far less clear than laypersons tend to assume. Consequently, the extent of regulation needed to safeguard public health and consumer choice remains a point of dispute!

The following examples substantiate the above arguments. Some consumer groups object to anything less than a recipe for Ketchup, on the grounds that ingredients

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<sup>21</sup> See for example, P. Allen, *'How will the Legislation be Enforced? What will be the Implications for the Food Industry?'*, Paper presented at a Symposium organised by Leatherhead Food RA, November 1989.

<sup>22</sup> For a definition of the concept of 'integration' which is compatible with this point, and an earlier, general discussion on this topic, see Chapter two, Section 2.6.

vary too much at present, thereby misleading the consumer.<sup>23</sup> Processors, on the other hand, argue that variations are necessary in order to satisfy existing preferences among European consumers. Additives have caused particularly stormy interactions, since it has been decided that, for reasons of public health and consumer choice, it is necessary to draw up a positive list of permitted additives, that is a piece of vertical legislation!<sup>24</sup> In some cases, this decision has led to what seem to be ridiculous arguments to the outsider but evidently not to those whose living may be dependent on a satisfactory solution. The case of the Irish beer producers illustrates this point. They have insisted that seaweed must figure on this list, because without its use, they would not be able to manufacture the dark concoctions that are popular the world over.<sup>25</sup> However, seaweed is not a conventional additive, but a food product, therefore it seems to make no sense to put it on the additives list, yet, it is used as an additive in the beer brewing process and hence, may no longer be acceptable, if it is not on the list.

Given the continued search for consensus among European policy-makers, compromises have been found on most occasions. For example, horizontal framework legislation has been circumscribed by positive lists of specifications, indicating minimum constraints or requirements. Sometimes bands, allowing for variation, have been permissible and, when all else failed, temporary derogation has

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<sup>23</sup> Greek tomato ketchup must have a minimum of 16% from tomato juice solids, but in the UK it must have a minimum of 6% from fresh tomatoes.

<sup>24</sup> For example, there is a horizontal framework directive for additives (COM 89/107/EEC), but in addition, there are various positive lists of additives drawn up, including their field of application.

<sup>25</sup> EP News, *op.cit.*, 14-18 November 1994, p.2.

occasionally been granted.<sup>26</sup> However, these compromise solutions were often preceded by long and turbulent periods of policy-making. Furthermore, the underlying differences in opinions *often* refuse to disappear as a result of legislation, or the compromise legislation turns out not to be properly workable. In both cases, pressures for amended and improved legislation arise.<sup>27</sup> Consequently, it can be argued that the SEA integration programme on foodstuffs has not as yet satisfactorily achieved its triple aim of integration, public health and consumer protection. Yet, compared to earlier efforts to achieve these goals, it has come a very long way!

The benefits to European-wide food policy-making arising from the constitutive changes in the EU which took place during the 1970s and 80s are undeniable, and concerns over persistent variety, facilitated by these changes should not be exaggerated. However, the case study confirms that these constitutive changes to policy-making have brought about a new type of integration, which has a strong deregulatory thrust. In other words, the principle of mutual recognition may not

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<sup>26</sup> One of the DTF interviewees and the representative from the German Dairy Trade Association explained that bands were introduced eventually with regard to non-dairy ingredients in yellow fats. For general references, see E. Vardakas, '*Promoting Food Policy in the EC*', Presentation at the CEPS Business Policy Seminar No 41, Preparing the Internal Market in Food, 18 February 1992.

<sup>27</sup> This point was made by Allen *op.cit.*; in all the references by CEEG contained in this thesis, by the EP's Raftery Report 1989 (*European Parliament*, 'The Raftery Report on the Food Industry', Parts A and B, Document A2-17/89, 22 March 1989.), as well as by some interviewees, including a Brussels based consultant who argued that "none of the legislation is good enough; not comprehensive; not good details; no good additives; the defining word is no." Another interviewee made a related comment about bad legislation: "if you are prevented from selling a product, but in two or three years times, legislation will be amended in your favour, because there are problems, it could be quite critical." The National Association of Master Bakers' publication of 16 May 1990 contained an example of legislation that was not adequately achieving its aims: "By a quirk of the Food Labelling Regulations - which require ingredients to be declared on all food - in-store baked products are exempt from declaring ingredients...Consumers therefore lose the protection of ingredient declarations and pay a higher price for a product which they erroneously presume to be somehow more 'natural'." {Comment by T. Casdagli, Director, *The National Association of Master Bakers*, 16 May 1990, p.2.}

have been welcomed only by pro-integrationists who have recognised the impossibility of imposing excessive homogenisation, but also by outright free marketeers who endeavour to apply the principle in the - partly realistic - hope that it will lead to less regulation overall, both at the European and national levels and in particular, if combined with the principle of subsidiarity.<sup>28</sup> Moreover, the principle of mutual recognition returns some control over policy issues to the national level. As stated in Chapter two, this redistribution of control should however not be exaggerated. The Commission has endorsed and promoted these developments, so signalling to the world internal cultural and political changes. However, it is evident that pressures from national politicians and European industrialists, coupled with the unworkable nature of the earlier policy approach, forced them to adopt both principles, regardless of their own views.<sup>29</sup> This point confirms once more that the freedom of manoeuvrability in the Commission and their political impact is limited, if sufficient contra-pressures arise.

### 7.3. Food Policy-Making in the European Union: Conflict or Consensus?

The cultural, ideological, political and legal differences that have characterised the emergence of food law in Europe have ensured that food policy is "far from boring and purely technical."<sup>30</sup> National self-interest continues to play a pivotal role, although, as seen earlier, traditionalist rhetoric frequently turns out to be

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<sup>28</sup> The deregulatory thrust of the two principles, especially in relation to foodstuffs, was stressed emphatically by Swinburn *op.cit.*, 1994. To a lesser extent, it was discussed also in P. Allen, 'Food Law and EEC Deregulation Policy', *British Food Journal*, 91(1), 1989, pp.10-2. For discussions on the implications of the principle of subsidiarity, see earlier chapters, especially Chapter 2, Section 2.5.2.

<sup>29</sup> Swinburn *op.cit.* The point was raised also by both Mr. Paul Gray and Dr. O. Gray during interviews for this research project, taking place between 1990 and 1992.

<sup>30</sup> Comment made by a member of the FDF, during an interview for this project.

protectionism, rather than genuine support for existing patterns of processing and/or law-making! Thus, the division between deregulators and regulators is marked at the European level, too. It is most visible between industrial and non-industrial interests, but is also quite entrenched within individual European institutions. The failure to structure food policy-making tightly within the EU and the lack of consistency within the Commission have added to the potential for conflict during the making of EU food policy. For example, the absence of a Directorate-General for Foodstuffs has enabled various DGs to meddle in this area and responsibilities are dispersed as follows: DG VI is in charge of proposals related directly to agricultural matters, DG III handles all legislation concerned with the single market initiative and industrial matters and DG I is concerned exclusively with food issues and external trade.<sup>31</sup> In addition, the Commission's Scientific Committee, its Legal Service and its Consumer Service, which are all independent of the traditional structure based on Directorates-General, have been involved intensively in food policy-making. Finally, the absence of a European Food and Drugs agency or a European Institute for Nutrition - which can be explained partially in terms of persistent national self-interests - has widened scope for debate, both in the scientific and political arenas.<sup>32</sup>

However, there are a number of determinants that have facilitated compromises among policy-makers: (a) workable<sup>33</sup> and economically sustainable policies are required; (b) certain basic technological and scientific facts are beyond dispute and

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<sup>31</sup> This point was made repeatedly, namely in the Raftery Report *op.cit.*, by Vardakas *op.cit.*; by the CECG in 'A Hot Potato? Food Policy in the EEC', CECG Publications, May 1987; and by several interviewees.

<sup>32</sup> *ibid.*

<sup>33</sup> In this context, 'workable' refers not only to technically sound products, but also to products that appeal to the tastes of consumers.



cannot be ignored; (c) many policies revolve almost entirely around such technological and scientific considerations;<sup>34</sup> (d) European food policy-making is incremental and consists increasingly of amendments; (e) policy deals are often struck by way of trades off, both at the pre-Council and CoM stages. These factors have acted as catalysts and sustained progress, especially during the far more receptive conditions that have dominated food policy-making during the past decade.

In certain routinised areas, food policy-making is indeed highly technical and consensual. For example, the issue of extraction solvents used to remove alkaloids from tea and coffee caused comparatively little dispute.<sup>35</sup> Not surprisingly, the climate at CEN is more consensual than anywhere else because policy-making takes place within a small policy community which is drawing up European Food Standards, as requested by the Commission. Hence, food standards, in line with other technological standards, are being drawn up by delegated quasi-private government. This point is fully recognised by the responsible officials in the Commission who referred to this situation as a "...new partition of responsibilities between state and voluntary controls."<sup>36</sup>

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<sup>34</sup> The Commission *always* consults its Scientific Committee which illustrates how committed the former is to getting a scientific opinion, irrespective of how it will make use of the information within the broader policy game.

<sup>35</sup> Part of Council Directive amending for the first time Council Directive 88/344 of 13 June 1988 on the approximation of the laws of the Member States relating to extraction solvents used in the production of foodstuffs and food ingredients (COM(91) 502 final - SYN 374).

<sup>36</sup> Vardakas *op.cit.*

However, some conflict arises with regard to food standards, too. Namely, Van Caenegem, the Head of CIAA, voiced opposition to the delegation of powers to CEN, demanding that CEN should be involved only in the drawing up of food standards at the request of a European sector, and not at the request of the Commission or as a result of its own initiative.<sup>37</sup> Van Caenegem is concerned with two familiar issues, that is excessive regulation and inadequate policy input by the processors. However, his suggestions are not acceptable to the Commission as it would rescind its remaining control and CEN is not keen on the idea for reasons of self-interest.<sup>38</sup> Nevertheless, the policy community active within CEN may still come under strain from processors, trade associations, consumer groups and MEPs who all wish to be involved in European food standardisation. Such a development would be particularly marked in the unlikely event that food standards were to become compulsory.

Political considerations creep into most discussions on food policy proposals and, as in other policy areas, technical and scientific considerations can be overridden by political priorities. Food policy-making is thus definitely less technocratic and more political than is often acknowledged. As the following - rather biased - quote from an exasperated and enraged pet food manufacturer illustrates, food policy-making is usually a complex mixture of scientific, technological, ideological, cultural, political and economic considerations:

"What about BSE? Prosper de Mulder, a Dutch company with factories in UK, France, Germany as well as Holland, produce the majority of meat and bone meal

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<sup>37</sup> S. Van Caenegem, '*Arguments from Industry - the Priorities*', Presentation at the CEPS Business Policy Seminar No 41, Preparing the Internal Market in Food, 18 February 1992.

<sup>38</sup> *BLL*, In Sachen Lebensmittel, Jahresbericht 1992/93, abgeschlossen am 28. April 1993.

from meat offal in Europe. All by the same methods using identical plant. Only UK was hauled into the dock. The other countries in Europe conveniently found reasons for silencing the facts about BSE in their necks of the wood. The French will continue to burn live sheep we export. They will continue with their policy of opposition to the way we market milk in order to destroy our dairy industry to their advantage - not by fair competition but by EC rules and regulations which they will side-step when it goes against their interests. P.S. We were recently approached to export our dog foods to Iceland. It was stopped at the last minute by their Ministry of Agriculture, saying they were perturbed about BSE in the UK, and the fact we declared openly that we were using meat and bone meal made by Propser de Mulder, was used against us. No other logic would prevail."<sup>39</sup>

Occasionally, the Commission has failed to produce policies at all as a result of conflict that may seem rather petty to the outsider but, upon closer inspection, reveals deep political cleavages. The ongoing failure to solve the 'animal versus vegetable fat in chocolate' debate is one of a number of examples that substantiates this point.<sup>40</sup> Despite an agreement in 1973 that, from 1976 onwards, the use of vegetable fat for chocolate production would be permitted, most member states refused to accept vegetable based chocolate and resisted any attempt by the Commission to resolve the problem by way of appropriate legislation. Eventually, the Commission grew weary of the lack of progress and ignored the issue and, according to insiders, it is unlikely that it would ever have been resolved, were the British chocolate manufacturers now not able to use the principle of mutual

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<sup>39</sup> The view expressed in this quote is obviously exaggerated and biased, but it is nonetheless symbolic of many of the issues raised in the main text and demonstrates beyond belief the political undercurrents of food policy-making in the EU. A small number of other interviewees commented on the negative repercussions, following scares over BSE, claiming that the scares offset any possible advantages for marketing beef in a genuinely integrated SEM.

<sup>40</sup> The original six member states and many of the newcomers continue to insist that chocolate and its by-products have to contain animal fat, or else they could not be referred to as 'chocolate...'. The UK, on the other hand, refuses to abandon its tradition of vegetable fat based chocolate or to call its chocolate by a different name. To some extent the disagreement can be explained by reference to cultural differences, but it is mainly economic and political since some Continental European member states, and particularly France, have special cocoa bean agreements with ex-colonies which they do not wish to relinquish for political reasons. They fear that the arrival of British chocolate on French markets may affect this agreement negatively, as well as harm the French chocolate producers. {Much of this information comes from interviewees, but the main issues are summarised in the BCCCA, *Annual Review*, London, 1990.

recognition in their defence.<sup>41</sup> Indeed, formally, the problem remains unresolved because there is still no suitable legislation, nor an appropriate Court ruling. Hence, the 'chocolate saga' continues to worry particular interests, especially in the UK.

Apparently, such impasses have been perpetuated sometimes by the Commission's general tendency to concentrate on 'easy' policies whenever possible.<sup>42</sup> Regrettably, not all unresolved issues will become outdated with the passage of time and the Commission's occasional unwillingness to persist with difficult policies perpetuates conflict, even if it may be dormant or spill over into new policy areas. Moreover, this attitude explains why some fudged policies are not being improved as soon as possible.<sup>43</sup>

However, conflict among policy actors is constrained by the incremental nature of European food policy-making. Much legislating constitutes of amendments and the need for these is often written into existing legislation. Where new legislation is introduced, responsible Commission officials routinely undertake surveys of the

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<sup>41</sup> This point was made by Dr. O. Gray, as well as by the interviewees from CAOBISCO, Verein zur Förderung des Süßwarenexports and the BCCCA.

<sup>42</sup> A number of the interviewees from various trade associations made this point, including one of the interviewees from CIAA. The chocolate issue is a classical case, but a similar thing happened with regard to the EU's commitment to establish a potato regime. The Commission, under CAP regulations, was obliged to create such a regime, but ignored the issue, at least until very recently, because it looked like too much of a "political hot potato". The interviewees from DG VI, the UK Potato Marketing Board, the UK Potato Processors' Association', Van Spaendonck and the Bundesvereinigung der kartoffelverarbeitenden Industrien all confirmed this point. For further details, see also *UK Potato Processors' Association*, Position Paper, 205921/10027 WJS0074.91T 270691:1232, 1991 and *EP News*, 'Commission Gets Down to a Root Cause', 19-23 April 1993, p.4.

<sup>43</sup> See also footnote 26.

national situations, before embarking on policy drafting.<sup>44</sup> This finding substantiates earlier claims of a similar nature.<sup>45</sup> Therefore, opportunities to introduce radical proposals are therefore very limited and arise mainly in new fields of research, like genetic engineering, biotechnological innovations. These issues provoke much conflict, given that there is normally no consensus about the scientific, moral and financial implications of such developments.<sup>46</sup> Radical suggestions are not usually made by Commission officials, since they tend to lack expertise in highly technical and scientific areas and, hence, feel uncomfortable with unpredictable policy adventures.<sup>47</sup> However, they do not seem unwilling to consider radical proposals from within the industry, provided that they can draw up a workable *and politically feasible* draft.<sup>48</sup>

Food policy-making in the EU does not fit into public choice models of policy-making, even though rational behaviour and self-interested preferences play a part in it. There is also very little evidence of gradual belief congruence among policy

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<sup>44</sup> See for example COM(91) 523 final - SYN 379: Council Regulation laying down Community Procedures for Contaminants in Foods. The explanatory memorandum from the Commission for the Regulation refers to its survey into the national situations which uncovered significant differences that the Commission considered an obstacle to single market integration (p.3). John Horton, *'The EEC Additive Story'*, Paper presented at a Symposium organised by Leatherhead Food RA, Leatherhead, 8 April 1991.

<sup>45</sup> See Chapters four and five.

<sup>46</sup> See particularly P. Gray, *'Foodstuffs and Biotechnology'*, Presentation at the CEPS Business Policy Seminar No 41, Preparing the Internal Market in Food, 18 February 1992. Interviewees confirmed this point with regard to areas such as food irradiation and genetic engineering of foodstuffs. Furthermore, during the non-participatory observation at the ECOSOC, it became clear from ongoing arguing over scientific matters, that there was no consensus at all among the scientific community with regard to, for example, certain food colourings (see also footnote 48).

<sup>47</sup> Evans, DTF, *op.cit.* (reference and interview); interviewee at the DG VI.

<sup>48</sup> Comment by an interviewee from a German trade association - his own experience.

actors, even though, some "learning" has taking place. For example, processors have come to accept basic facts about environmental pollution. However, ideological and cultural cleavages, coupled with economic and political self-interest, have largely prevented belief congruence. As implied above, the pressures for consensus and compromise are mainly tactical and structural and are, above all, related to regime change. Thus, it must be concluded that political bargaining remains one of the major modes of behaviour among policy actors in this field of policy-making. However, bargaining takes place within marked limits arising from strong trends towards institutionalisation and, hence, incrementalism with regard to policy-making. Thus, social and cultural conditioning mediate free-wheeling bargaining to a considerable extent, without however repressing all pressures for change. Consequently, change was possible, following the Cassis de Dijon judgement. Similarly, policy change can arise as a result of new technological and scientific discoveries or significant new political, economic or social trends.<sup>49</sup>

As demonstrated, bargaining is involved in virtually all food policy-making, albeit to varying degrees. For example, bargaining was minimal with regard to the "Regulation on Certificates of Specific Character for Foodstuffs" or the "Directive Concerning the Measures for the Prevention of Specified Zoonoses and of Specified Zoonotic Agents in Animals and Products of Animal Origin in order to prevent

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<sup>49</sup> Genetic engineering and biotechnology are obvious examples. {See for example, *Eurofood*, 'Labelling Foods Using Genetic Modification', February 1991, p.15.} However, sometimes discussions on other issues change too, due to techno-scientific considerations. For example, increased research and laboratory testing has led to discussions on the elimination of certain food colourings that were previously widely used, e.g. Tartrazine (E102), Amaranth (E123). {See for example, *The London Food Commission*, 'Food Adulteration and How to Beat it', Unwin Paperpacks, 1988, Ch. 3 on additives.} Sweetener legislation is another potential area for changes, due to scientific progress; for confirmation of this point, see for example, M. Lindley, 'Implications of Current Developments in EC Sweetener Legislation', *British Food Journal*, 93(2), 1991, pp.18-20. See also footnotes 5, 45 and 50.

Outbreaks of Foodstuffs Infections and Intoxications".<sup>50</sup> Yet, it is much easier to find examples of legislative proposals that have provoked a great deal of bargaining. Some of the most notorious ones relate to broad issues such as food labelling and food additives (especially food colours), but some are more specific, such as the "Amendments to the Council Directive on Foods for Particular Nutritional Uses" or the "Council Directive concerning Irradiated Foodstuffs".<sup>51</sup> Since compromises are

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<sup>50</sup> SEC(90) 2414 final; Council Directive 92/117/EEC; See also L. Harris, *CECG Update on EC Food Legislation and Activities*, July 1993. *Eurofood*, 'Certificates of Specific Character for Foodstuffs', February 1991, p.5. T. Baird-Parker, 'Food-Hygiene', Presentation at the CEPS Business Policy Seminar No 41, Preparing the Internal Market in Food, 18 February 1992.

<sup>51</sup> COM(89)398 final; COM(89)576. See also, *DTI*, 'Single Market Fact Sheet 5 on Food Law, 1990. On the difficulties of designing satisfactory food labelling, see for example the following material published by CECG, all in 1991. *CECG* 91/5 Final; *CECG* 91/9; *CECG* 91/10; Food Labelling and 1992, February 1991; Food Labelling and Consumer Choice, November 1991; *CECG* 93/9; as well as T.R. Kirk, 'Proposals for Nutrition Labelling in the EC - an Update', *British Food Journal*, 91(9), 1989, pp.13-4; Morris *op.cit.*; MAFF, 'Information Paper on Current Food Labelling Legislation Codes', DW41.CPDA.GFL.DFT.DA, January 1991. S. Johnson, 'UK Labelling Update', Presentation at a Symposium organised by Leatherhead Food RA, 8 April 1991. D. Flowerdew, 'Proposed Labelling Rules from the EC', Presentation at *ibid*; N. Sauze, 'Etiquetage: Introduction du Principe de l'Indication Quantitative de Certains Produits, *QUID*', Presentation at the CEPS Business Policy Seminar No 41, Preparing the Internal Market in Food, 18 February 1992; *BLL*, 'In Sachen Lebensmittel: das gemeinschaftliche Lebensmittelrecht - Eine Zwischenbilanz zum 31.12.1992', 30. Dezember 1990, Abschnitt B über Lebensmittelkennzeichnung und Werbebehauptungen.

Food labelling is a broad policy issue and is basically covered by a framework directive (COM(91)72 of 16 January 1991) and a range of more specific directives on topics such as geographical designations, food claims used in advertising, organically produced foods, date marking. Processors accept that customers need to be informed, but are worried about the cost and practical difficulties with detailed labelling (see also earlier relevant comments in this chapter). For example, one frustrated participant at the 1991 Leatherhead Symposium wondered how he was going to write down all required labelling in several languages on chewing gum wrappings! Many processors also argue that too much labelling leads to confusion and does not help the customer. Consumer organisations, on the other hand, have generally pushed for more, simple, clear and detailed labelling, if necessary with the help of such symbols as the "grüne Punkt" (green point) which indicates that packaging is environmentally sound and which was introduced by the German government on a national basis only. Both sides claim to have statistical evidence that supports their arguments, but neither side seem willing or able (?) to produce such evidence.

difficult to achieve with such controversial issues, the latter often become part of extensive policy deals, cutting across several areas of policy-making. In this respect, indirect taxation of foodstuffs and excise duties on alcoholic beverages has become one of the most notorious battlegrounds in recent years, because it has such tremendous economic implications. Thus, this issue exemplifies the above point very well, since all negotiated outcomes have been extensive trades off and uneasy compromises. This is particularly true for Council Directive 92/84 of 19 October 1992 which "...lays down minimum rates of excise duty to be applied throughout the Community for each category of alcoholic drink."<sup>52</sup>

The following statement indicates that, initially, the British government seemed prepared to accept an increase on excise duties for Scottish Whisky in return for concessions on beer and wine duties and the safeguarding of zero-rate VAT on foodstuffs, books and children's clothes. "Mr. Lamont has been ready to do a deal as part of horsetrading on tax harmonisation which would allow Britain to keep the zero rate of VAT on food and children's clothing...There was also a proposal that

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On the conflict-ridden nature of legislating on food additives, and especially food colours, see for example footnotes 5, 45 and 48, as well as *CEC*, 'Fourth Progress Report of the Commission to the Council and the European Parliament, COM (89) 311 final, Brussels, 20 June 1989; *CECG*, 'Setting ADIs - A New Approach', Pamphlet, 90/21, August 1990; J. Horton, 'Progress with Community Additive Controls', *British Food Journal*, 93(2), 1991, pp.13-7; Horton *op.cit.*, 1991; CIAA, 'The CLAA and Food Colours', Position Statement FI/10/91, 1991; *The Economic and Social Committee of the European Communities*, 'Revised Preliminary Draft Opinion : Proposal for a Council Directive on Colours for Use in Foodstuffs', (COM(91) 444 final SYN 368); EP News *op.cit.*, 8-12 March 1993, p.4. As noted by an interviewee from MAFF, to some extent conflict arises because there is no clear agreement within the scientific community as to the safe or harmful nature of many additives, especially if they are used in combination.

<sup>52</sup> Extract from Council Directive 92/84 of 19 October 1992.



wine should be zero-rated."<sup>53</sup> Lamont's deal was challenged fiercely by the Scottish Whisky industry who lobbied the government and sought allies for its cause, for example among UK MPs, MEPs, the UK Gin Distillers and Rectifiers, Scottish Whisky Distributors and Sellers in other EU countries, various national and the European Trade Association for Spirits (UEAES).<sup>54</sup> The lobby regarded this issue as one of life or death for the Scottish Whisky industry and did its utmost to change Lamont's decision, but pressures were not adequate to eliminate the spirits excise duty issue from a package deal including, wine, beer, mineral oils, tobacco and VAT. Nevertheless, the lobby got some concessions since excise duties for spirits were eventually fixed at 550 ECU per hectolitre of pure alcohol which was lower than originally anticipated. Furthermore, the Commission committed itself to a comprehensive review of excise duties on all alcoholic beverages. (The Scottish Whisky industry was, and still is, extremely discontent regarding this deal but appears to have survived so far.) In the case of VAT and excise duties, bargaining and trades off were particularly marked because these are fiscal measures which

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<sup>53</sup> P. Rawstorne, 'Scotch Campaign Seen as a Matter of Duty', *The Financial Times*, 6 August 1991, p.2. For further and related details, see also *House of Commons Official Report*, Parliamentary Debates on the Scottish Economy, HMSO, 16 July 1991; *House of Commons*, Written Answers: ECOFIN, HMSO, 25 June 1991, p.424; *The Scotch Whisky Association*, 'Why the Scotch Whisky Industry is Facing a Fight in the Single European Market', Press Release, 1991; *The Scotch Whisky Association*, 'The Threat to the Intra-EC Duty Free Trade', Press Release, 1991.

<sup>54</sup> See for example, F. Kane, 'Whisky's Spirited Fight', *Sunday Telegraph*, 4 August 1991; A. Young, 'Fears Over Discrimination Against Scotch', *Glasgow Herald*, Saturday 29 June 1991; *Glasgow Herald*, 'Unfair Measures', 29 June 1991; *The Scotch Whisky Association*, 'Scotch Whisky under Common Market Discrimination', Scotch Whisky Newsletter No. 70, July 1991; *The Financial Times*, 'Scotching a Tax Anomaly', 1 October 1992; CEC, Call for Tender MB-1503/acb: Study on "Competition Between the Different Categories of Alcoholic Drinks", 1992, p.1; *The Scotch Whisky Association*, 'ECOFIN: Scotch has All to Play for', 28 July 1992; *The Scotch Whisky Association*, 'EC Tax Harmonisation?', August 1992; *The Scotch Whisky Association*, 'EC Spirits Producers Criticise EC Tax Deal', 20 October 1992.

The interviewees at UEAES, the Association of UK Gin Distillers and Rectifiers and the CBI Office, London (indirect taxation matters) all confirmed this point, as did a letter to the author of the thesis written by a representative of the Scotch Whisky Association, Edinburgh.

have to be decided in the CoM on the basis of unanimity.<sup>55</sup> However, similar trends are discernible with the many less intergovernmental food policy measures that come under QMV.<sup>56</sup>

#### 7.4. Food Policy-Making in the EU: Structures

Since much food policy-making is now dealt with on the basis of QMV, a marked shift towards Euro-lobbying has taken place in the food sector. Nonetheless, national lobbying continues to thrive, both inside member states and with the permanent representatives in Brussels. Hence, it is appropriate to examine these activities on the basis of a multi-level conceptual framework such as elaborated in the previous chapter. The introduction of QMV has modified interactions between private interests and policy-makers, as well as within the CoM, but not to the extent that there is no longer a need for a special multi-level conceptual framework. Yet, the latter needs to be able to capture some changes in exchanges, arising from the introduction of QMV, namely the fact that it has become harder to block the passage

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<sup>55</sup> For general references to the difficulties that have arisen from the SEM commitment to harmonised excise duties see most references in footnotes 51 to 53, as well as, for example, *BSI*, 'Europa 1992 - Die Spirituosen und der Binnenmarkt', Bonn, 1989; *BSI*, 'Europa 1992 - Die Spirituosen im Anpassungsprozeß', Bonn, 1990; *BSI*, 'Europa 1992 - Die Spirituosen in gesamtdeutscher Verantwortung', Bonn, 1991. For similar references in respect of VAT, and equivalent taxes in other member states, see for example T. Hayes, 'A Painless Path Through the EC Tax Minefields', *The European*, 21-23 June 1991, p.24, or, L. Walker, 'VAT Taxes the Single Market', *The European*, 25-28 June 1992, European Business Section, p.1.

<sup>56</sup> See for example M. Evanson's comment in respect of EC food legislation that "in the second sector - legislative matters - where any necessary changes would take place sooner or later anyhow, but where 1992 has perhaps focused attention, these will show quite a bit of activity and some compromises". {M. Evanson *op.cit.*, 1990, p.10.}

of legislation and that more bargaining now takes place *before* policy drafts reach the Council stage. Such bargaining takes place particularly during negotiations with COREPER which enhances the latter's policy contributions. Complicated and extensive trades off are now less often necessary, but happen nonetheless, because QMV still requires partial consensus.<sup>57</sup> The modified version of PNA, as elaborated in Chapter six, is capable of capturing structural and behavioural changes in the policy process as outlined above, because it allows for the monitoring of bargaining processes inside networks.

As in other policy sectors, the EP has tried hard to exploit its increasing powers by way of contributing to the making of European food policy. The EP's amendments to the additives list suggest that its efforts have not been fruitless.<sup>58</sup> However, the EP's role in food policy making has been hampered by internal divisions which have been referred to by an MEP as "an ongoing battle".<sup>59</sup> As noted elsewhere, divisions in the EP are particularly serious because it can usually only intervene successfully if it can act with a clear majority.<sup>60</sup> Many lobbyists are aware of this division and have

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<sup>57</sup> See Evanson's comment in footnote 55. Trades off are particularly notorious in respect of decisions, concerning individual food policy issues that are marked by divergence and conflict, such as food hygiene, food additives and colouring, food labelling. This claim is substantiated *implicitly* in discussion papers such as L. Harris, 'Update on EC Food Legislation and Activities', MAFF, July 1993, which details some of the debates surrounding the major issues related to the politics of European food policy-making. This point was also supported by B. Saunders *op.cit.* and interview comments from Mr. Radermacher, a lawyer working for some German food trade associations, who was interviewed for this project in summer 1991. Radermacher argued that "...wie löst man Meinungsverschiedenheiten? in langen Sitzungen werden Kompromisse ausgearbeitet, bis es mal zu einem Entscheid kommt." {How do you solve differences of opinion? during long sessions compromises are worked out, until a decision is made at some point.}

<sup>58</sup> See references in footnote 5.

<sup>59</sup> Questionnaire respondent.

<sup>60</sup> On this point, see for example Hix *op.cit.*, 1993; Boyce *op.cit.*, 1995.

refused to take seriously the EP's endeavours to be at the heart of policy-making, although many admitted that they lobbied MEPs nonetheless, "just in case...".<sup>61</sup>

The Food Division of DG III has been very dedicated to the achievement of the internal market on foodstuffs. Consequently, they have been as assertive as possible and used all means at their disposal. However, interviewees unanimously agreed that the internal divisions in the Commission and the lack of a DG for Foodstuffs have occasionally undermined their efforts.<sup>62</sup> Yet, the Commission officials responsible for foodstuffs have benefited in other ways. Notably, they have been able to rely heavily upon Council Decision 87/373/EEC of 13 July 1987, because so much food and drinks legislation consists of amendments or extensions. Notwithstanding this advantage, their efforts have been hindered, too, in this direction, because they have had to take account of the Standing Committee on Foodstuffs which consists of mixed political interests. The Committee's influence is particularly marked under the regulatory procedure and the CoM has usually insisted that this procedure be invoked, despite Commission efforts to the contrary.<sup>63</sup> Thus, even under Council Decision 87/373/EEC, the Council has refused to give the Commission as much freedom as possible which, surely, confirms that the governments of member states are unwilling to give up too much power in an area which is still heavily tied in with

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<sup>61</sup> A throw away comment made by an interviewee (German trade association, summer 1991).

<sup>62</sup> On internal divisions in the Commission, see Chapters four and five; on the other point, see footnotes 30 and 31.

<sup>63</sup> The Standing Committee of Foodstuffs votes by QMV. The Commission is more or less tied by the vote, depending on which one of the three possible procedures has been adopted. The regulatory procedure requires the approval of the Committee; otherwise the proposal is referred to the CoM. The management procedure enables the Committee to block Commission decisions and refer them to the CoM. If the advisory procedure applies, the Commission can ignore the Committee's vote, although constitutionally it is supposed to take "the utmost account of the opinion delivered by the Committee". {Council Directive of 13 July 1987, 87/373/EEC, Article 2, Procedure I}

national self-interests, thus lending weight to interpretations of the policy process that emphasise intergovernmentalism.

The regulatory procedure, as applied by the Standing Committee on Foodstuffs, has enhanced the role of national civil servants, too, because the CoM is represented by one civil servant from each member state in the Standing Committee on Foodstuffs. Since many of these are delegated from the respective Ministries of Agriculture, they have not seen eye to eye with the officials from DG III on many occasions. Apparently, they have asserted themselves quite often, mainly due to their sophisticated negotiating skills and their tendency to strike bargains with one another, prior to decision-making sessions in the Standing Committee.<sup>64</sup> Thus, food policy issues illustrate the extent to which *national bureaucrats can meddle in EU* policy-making. However, it must be borne in mind that their hands are nonetheless tied by directions from their home based civil service and the national politicians. Those permanent representatives that were interviewed explained that they usually negotiated several bargaining positions with their superior civil servants and ministers. Before, as well as during, negotiations taking place within the committees and working groups, they then began by insisting on the most advantageous position from their governments' point of view, using the less advantageous, but approved bargaining positions as fall backs. Yet, when none of these succeeded in securing political agreement, they were obliged to report back to their national 'masters' and discuss with them new bargaining strategies.<sup>65</sup> In view of this strategy, claims that

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<sup>64</sup> This is for example the view of P. Riederman, DTF, Brussels Office, who was first interviewed for this research project during autumn 1991.

<sup>65</sup> The interviewee at the UK Permanent Representation in Brussels underlined this point strongly, and it was further confirmed by the few staff working at Permanent Representations who completed the questionnaire on Lobbying and the Single European Market.

national bureaucrats 'run' the EU, are exaggerated, despite their vital input.<sup>66</sup> However, these findings confirm once more that it is necessary to construct a multi-level framework for analysis that can capture the many bargaining processes that take place during policy-making, both inside policy networks as well as between these.

The Commission officials responsible for food and drinks matters have in many ways successfully managed the increasing lobbying activities by private interests. As in other areas of policy-making, officials tend to manipulate the time table for policy-making whenever possible.<sup>67</sup> During the lead-up to '1992', lobbyists, national civil servants and MEPs were given hardly enough time to prepare constructive responses to the policy drafts that they were shown by the Commission officials. The following quote shows that timing was particularly problematic for those national trade associations that were mainly involved indirectly in the policy process, represented by either Euro-groups and/or their respective governments.

"The speed of developments within the EC has increased noticeably. A difficulty at the moment is that when the Commission finds an obstruction to the proposals that it is making, it produces fresh proposals almost immediately and requires that these be considered within a matter of days. This allows the government departments very little time to seek the industry's views. We have represented our concerns on this to ministers, but they can offer no help."<sup>68</sup>

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<sup>66</sup> See Chapter four, footnote 90, Helm *op.cit.*

<sup>67</sup> See Chapters four and, especially, five for general references.

<sup>68</sup> This statement was made by an interviewee, working for a national sectoral trade association, dealing mainly with dairy produce.

On the positive side, the Commission's management of the policy time table has forced many private interests to become more efficient and a lot of internal restructuring has taken place within trade associations at the national and European levels in response to the single market drive. Notably, the CIAA, the European trade association for food and beverages, underwent a fundamental re-organisation in 1989. A member of its British counterpart, the Food and Drinks Federation, commented that it had since gone "from strength to strength".<sup>69</sup> Many other interviewees conceded that the CIAA was now in a much better position to effectively manage its relationship with the Commission, but pointed out that, however efficiently organised it may be, it still suffered from the problem of having to represent an extremely varied industry.<sup>70</sup> These issues evidently preoccupy the CIAA team, but they are also very concerned about the quality of legislation that the Commission is producing. For example, Van Caenegem, the CIAA's secretary general, had complained that, occasionally, the Commission had been too willing to accept a fudge compromise over a policy in order to ensure that it would meet the '1992' deadline.<sup>71</sup> Van Caenegem's worries were confirmed by a number of interviewees. For example, one commentator warned that the post-1992 era would be taken up by working out amendments to improve the quality of unworkable policy compromises.<sup>72</sup>

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<sup>69</sup> This statement was made by one of the staff at FDF who was interviewed for the thesis.

<sup>70</sup> This view was prevalent among appropriate interviewees and questionnaire respondents and was confirmed elsewhere, e.g. in *Eurofood*, 'Company Profile: CIAA: Confederation of the Food and Drink Industries of the EEC', February 1991, pp.6-7.

<sup>71</sup> Van Caenegem *op.cit.* This confirms similar views expressed by other commentators (see footnotes 26 and 42).

<sup>72</sup> Baird-Parker *op.cit.*

As can be deduced from the following quote, the relationship between the Commission and the various interest groups tends to be reciprocal:

"Il faut savoir que la Commission - a ma connaissance - n'a jamais eu la prétention de 'faire l'Europe' tout seul. Elle fait appel à chacun qui peut apporter une pierre à la construction. D'où les comités consultatifs...".<sup>73</sup>

However, the Commission generally safeguards its autonomy. "Although Commission officials need technical advice from the industry, they can usually consult a variety of sources and then, if necessary, play them off against one another."<sup>74</sup> In many ways, the emergence of numerous sectoral Euro trade associations concerned with food policy has enhanced the Commission's ability to manipulate the various lobbies. Furthermore, the Commission relies heavily on its own Food Science Committee and, increasingly, liaises directly with individual firms on technical and scientific questions. Finally, the Commission officials who are responsible for food policy are apparently very skilled in exploiting any internal divisions among private interests, as well as among politicians and national civil

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<sup>73</sup> "As far as I know, the Commission has never claimed that it 'makes Europe' all by itself. It calls on the help of anybody who can add a little bit to the construction of Europe. Hence, the consultative committees...". This comment was made by a French food processors who completed the questionnaire on The Single European Market and the Food Industry.

<sup>74</sup> Questionnaire comment by a trade official. {Lobbying and the Single European Market}.

The food and drinks sector is extremely diverse and it is very difficult to find satisfactory aggregate positions. For example, the definition of 'food and drinks processors' included MNCs as well as family run establishments with only a handful of employees. The products are also extremely varied and require different processing, handling, packaging, distribution procedures. Therefore, it is particularly difficult for CIAA to produce more than "lowest common denominator" opinions {interview comment}, despite recent efficiency gains. However, some Commission officials believe that the food and drinks processors could enhance their lobbying potential, despite the difficult circumstances: "I think the food industry has failed miserably in its task; for one thing they need to build more strength amongst themselves." (Commission official, quoted in Burson-Marsteller, *op.cit.*, p.17.)



servants.<sup>75</sup> Apparently, all these shrewd strategies do not prevent Commission officials from reiterating that officials prefer to deal with Euro level associations who present representative and aggregated views!<sup>76</sup>

The Commission's tactics suggest that technocratic and political policy-making are not necessarily mutually exclusive. There is obviously a lot of technical input at the drafting stage, but the information provided is handled in a truly political manner. Furthermore, the emerging evidence suggests that none of the lobbies concerned with food policy have entered into a genuinely clientèlistic relationship with the Commission officials in the way that, in the past, agricultural producers have with DG VI officials.<sup>77</sup> Undoubtedly, the CIAA is now very close to the officials, but, although they are regularly consulted, they are aware of the barrier that exists between themselves and the Commission.

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<sup>75</sup> Van Caenegem *op.cit.*; J. Moal, *The Food Markets of the Future*, and T. Stocker, *Chairman's Conclusions*, Presentations at the CEPS Business Policy Seminar No 41, Preparing the Internal Market in Food, 18 February 1992.

<sup>76</sup> See also Chapter five.

<sup>77</sup> Certain interviewees and questionnaire respondents seemed to resent the Commission's relative autonomy, accusing even the comparatively free market oriented DG III of being excessively complicated, bureaucratic, interventionist, unrealistic. For example, a small processor who was interviewed for the thesis said that "...the Commission wants one world in the interest of the big bods." This implies that the Commission is intervening and - what's more - on behalf of big business!

Accusations against the Commission's tendency to intervene in food policy issues, are not totally unfounded, but are sometimes rather unfair and/or based on the expectation that policy should be made virtually without the involvement of public sphere policy actors. However, the vast majority of interview and survey participants acknowledged that the Commission consulted adequately and did its best to implement the triple aim of creating an economically sound integrated food market, while satisfying public health and consumer demands. {With regard to the CAP, see Chapter five.}

"La Commission fait toujours ce qu'elle veut en fin de compte, en définitive, nous essayons de lui démontrer quelles sont les meilleures décisions, mais ce n'est pas nous qui prenons les décisions."<sup>78</sup>

There has been some concern that multinational food and drinks processors are advantaged, in comparison to the many small businesses in this sector.<sup>79</sup> Yet, some interviewees argued that the Commission deliberately compensated in favour of less powerful business organisations.<sup>80</sup> Furthermore, there is no evidence that multinationals always get their way with the Commission. Nonetheless, they appear to constitute an important counter pressure to national government demands, because they often adopt transnational stances and lobby for the abolition of national peculiarities. Given the conflicting evidence, it is difficult to assess to what extent big businesses profit, compared to small ones. The data from the survey on the effects of The Single European Market and the Food Industry suggest that large companies are somewhat advantaged, both with regards to lobbying input (see Tables 4, 6 and 7 in Chapter five) and the benefits arising from the SEM (see Figure 1). To some extent this bias is inevitable, given that the European food and drinks sector is increasingly concentrated. In view of their economic power, it is perhaps surprising that there is not a clear agreement with regard to their impact on policy, nor a widespread acknowledgement that they have very close clientèlistic relationships with the policy-makers. Nevertheless, some companies are obviously

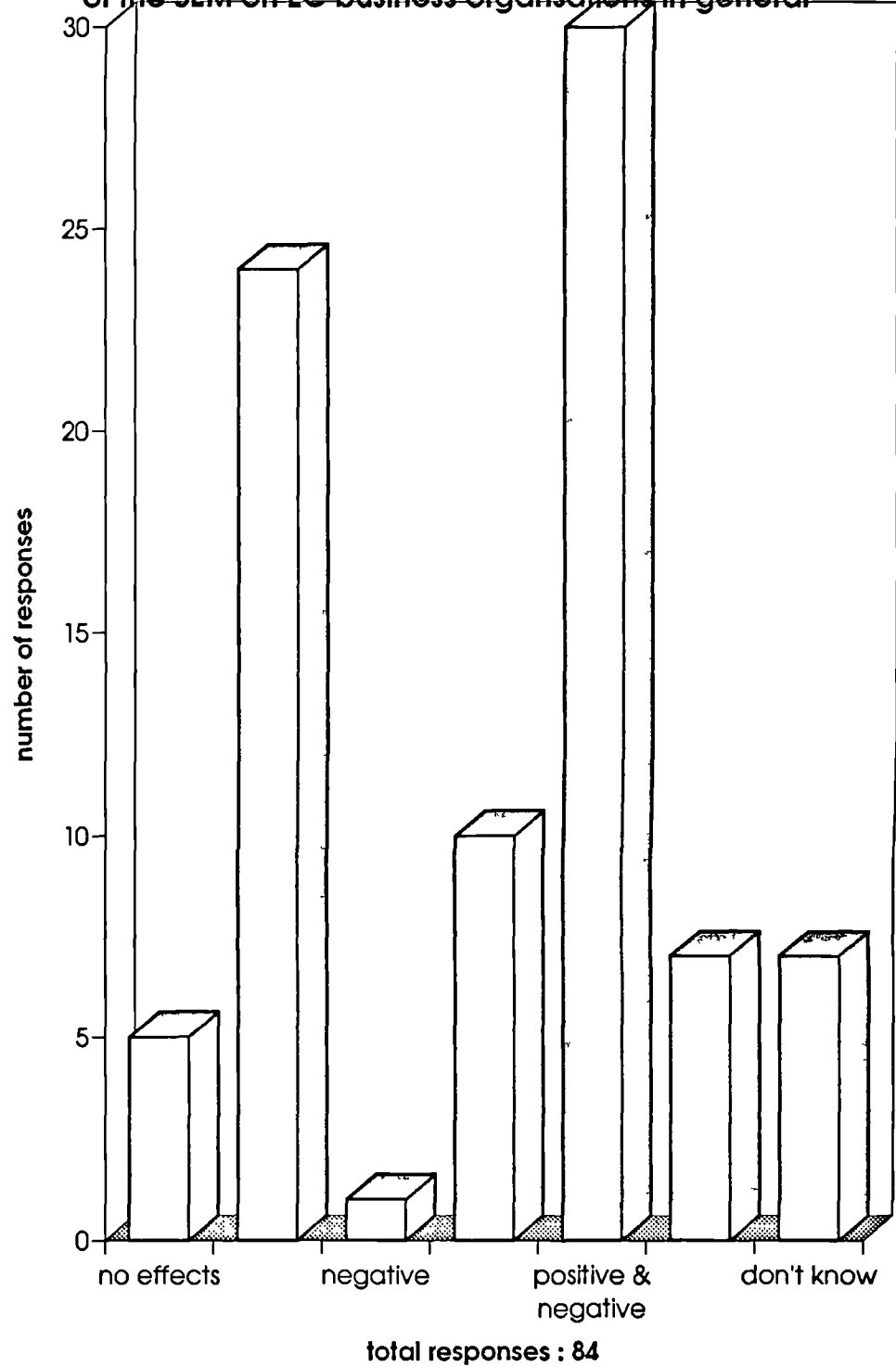
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<sup>78</sup> "In the end the Commission always does what it wants. We try to show it what the best solutions would be, but we do not take the decisions." Comment by a member of the CIAA's management team. Interestingly, Gray came to similar conclusions with regard to the CAP even though this area of policy-making was thought to be most vehemently colonised by certain interests. Gray's views are however also supported by the findings in Chapter five. {O. Gray *op.cit.*, 1990}.

<sup>79</sup> See for example *ibid*; Burson-Marsteller *op.cit.* as well as throw away remarks by the staff interviewed at BCCCA in respect of Mars Plc.

<sup>80</sup> For example, various trade officials; this point was also implied by P. Gray when referring to the case of the pro-breastfeeding lobby (see Chapters four and five).

**Figure 1 : In your view what effects has the creation of the SEM on EC business organisations in general**



very well received and respected and, in some policy areas, such as food labelling, big business has dominated the policy process increasingly.<sup>81</sup> However, despite these advantages, large food and drinks processors seem to have a less privileged position in respect of food policy than they have, *together with big business involved in other policy sectors*, in respect of economic social and general industrial policies. Yet, as in relation to these policy areas, large business has a more obvious impact on the broad development of European food policy than on detailed food legislation. In view of these findings, it would be misleading to label food policy-making simply as neo-pluralist or to argue that it is a close policy community, dominated exclusively by large food processors who enjoy a clientèlistic relationship with Commission officials and/or politicians.

Consumer groups are involved with most proposals as a matter of routine, and depending on the issue, there can be environmental lobbies, health lobbies or lobbies who are trying to press a particular, often ethical issue, such as the pro-breastfeeding lobby.<sup>82</sup> The result is often an extremely complex structure of policy-making which

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<sup>81</sup> Kraftfood, Mars, Nestlé (!) were mentioned repeatedly as having close relations and/or a lot of influence on Commission officials. Moreover, the CECG claimed that a number of MNNCs had managed to convince the Commission to cut down on full nutritional labelling, thereby torpedoing the proposals of the consumers' lobby. {CECG *op.cit.*, 1990, p.7.}

<sup>82</sup> Numerous interviewees and secondary literature referred to the growing importance of consumer and environmental groups in food policy-making, due to the public's increased preoccupation with 'healthy food'. For example, interviewees from the Bundesvereinigung der kartoffelverarbeitenden Industrien, from MAFF and from the FDF made this point. Mr. Pattinson, from MAFF, also explained that MAFF got well over one hundred letters from concerned parties, every time the food additives, and especially the colour, issue was being discussed in detail.

Grant, too, argued that consumer groups were having more impact on food policy, because the late 20th Century constituted increasingly a consumer, and not producer, dominated era. {W. Grant, 'Public and Political Implications', in C.R.W. Spedding (ed.) *The Human Food Chain*, 1989, pp.279-87.} It is not surprising that the main contestations of this view come from within consumer groups and, especially, from BEUC.

involves sub-national (sometimes), national and European tiers. In many cases, the structure of food policy-making is therefore more like an issue network than a policy community. However, neither label is fully adequate since the food policy network shows signs of both a policy community and an issue network and, hence, has to be situated somewhere in between these two ideal types. This finding reinforces the claim, made in Chapter six, that the Rhodes-Marsh model is based on ideal types which are not sufficiently differentiated to capture complicated structures such as an apparent key feature of the food policy network, namely its division into a core and a periphery.<sup>83</sup> Commission officials, national politicians and civil servants are situated permanently at the core. Selected experts, food processors and their trade associations are, structurally, closest to these, with some, such as the CIAA, being very close indeed, but nonetheless in a qualitatively different space within the network. Environmental groups and small single-issue groups are more or less permanently located within the periphery, whereas consumer groups hover at the interface of the periphery and the core. Structurally speaking, the EP is also very close to the centre, but not because of its expertise. The EP's strongest resource is its increasing power to politically legitimise EU activities, including policy-making. This multiple structure is not cast in stone and the boundaries between the core and the periphery are not impermeable, although they are quite marked.

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See for example, Toussaint who used additives as an example to illustrate the weakness of consumer representation! {'*The Consumer Point of View*', Presentation at the CEPS Business Policy Seminar No 41, Preparing the Internal Market in Food, 18 February 1992.} See also, V. Smart, 'Firms win But Choice Suffers', *The European*, 16-19 July 1992, p.38. In this article, Smart summarised an interview with BEUC on this topic. In the interview, it was argued that SEM legislation had failed "to introduce a specific consumer dimension", and, G. Richmond, 'The Customer is Always Last', *The Bulletin*, 1 August 1991, p.35.

<sup>83</sup> In view of the findings in Chapter five, similar distinctions must be made if the CAP and social policy are treated as policy networks.

It is difficult to capture this dynamic constellation in policy analytic terms and traditional PNA is hampered considerably by its tendency to produce ideal type categories which are ill equipped to capture multi-level structures as well as intensive bargaining exchanges. Smith's label of reformed pluralism seems more appropriate - provided that analysts are prepared to take recourse to traditional, systemic level terminology, notwithstanding the problems associated with this strategy<sup>84</sup> - because it takes into account that semi-peripheral and peripheral groups can, *and do*,<sup>85</sup> have some influence on policy outcomes. However, the notion of reformed pluralism is far too general to be able to capture the idiosyncrasies outlined in the previous paragraphs. The more precise notion of neo-pluralism is not suitable either, since it overestimates the influence of big business. However, in some areas, there do seem to be neo-pluralist undercurrents. Yet, both models underestimate the autonomy of the formal policy-makers. In view of their resourcefulness, it could be argued that, broadly speaking, the network supports statist and institutionalist interpretations of policy-making, particularly given its incrementalist nature and the pivotal structural positions of Commission officials, national civil servants and, when applicable, the Council of Ministers. However, this assessment has to be qualified too, given the many informal influences that are an intrinsic part of food policy-making at the European level. For the same reason, it is also unsatisfactory to refer to food policy-making as intergovernmental, even though national self-interest, peculiarities and consumption patterns are significant influences on policy outcomes.

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<sup>84</sup> See Chapter six.

<sup>85</sup> See for example, T. Stocker, '*EC Food Law and the Development of the Internal Market - The Opportunities and the Difficulties: an Industry Viewpoint*', Presentation at a Symposium organised by Leatherhead Food RA, November 1989; W. Brinkman, '*Packaging Waste*', Presentation at the CEPS Business Policy Seminar No 41, Preparing the Internal Market in Food, 18 February 1992. While consumer and environmental groups tend to downplay their successes, such business views may well exaggerate them a little.

Analysis in terms of multi-level bargaining games, combined with the extensive categorisation of policy actors (as outlined in Chapter 6) seems a far better way of capturing these intricate phenomena. The notion of intergovernmentalism also neglects the effects of the introduction of QMV in most areas of food policy-making and the passage of Council Decision 87/373/EEC of 13 July 1987 has affected negatively the relative input of national politicians. On the other hand, the latter has enhanced the independence of national bureaucrats, but not to the extent that intergovernmentalism is a suitable label. Moreover, this Council Decision has also enhanced the autonomy of Eurocrats. Hence, within limits, it has reinforced the bureaucratic aspects of EU policy-making, rather than its national elements. Still, it would be an uncalled for exaggeration, too, to conceive of food policy-making as a form of government by unelected officials. Equally, it would be inappropriate to claim that unelected technocrats make food-policy in the EU, given that technical issues are very much circumscribed by political considerations. Finally, all these labels are in so far unsatisfactory as they do not allow for evident differences between sub-sectors and individual policy issues, such as food standards, food hygiene, food labelling, food additives, regulations concerning ingredients and processing procedures.

It is obviously very problematic to find the correct analytic language to capture the nature of food policy-making in the EU, even when locating this process within an extended conceptual framework such as elaborated in Chapter 6! For example, it is not even immediately evident that the food sector consists of one policy network only, given that there is evident variety between sub-sectors and, to a lesser extent, individual policies. However, there are a number of reasons that enable analysts to conclude that the sector can be treated as a single policy network. Notably, there is basic interdependence across the sector. Moreover, when making food-policy, the issues at stake are virtually the same in all sub-sectors and revolve around the main

objectives of food regulation as outlined in the Section 7.1. Furthermore, the same policy actors tend to be involved in the production of food policies of all kinds. They are not all always involved, but there is nonetheless a discernible pattern. Moreover, those policy-makers who are not involved directly in some areas of policy-making, such as food standards, nonetheless monitor progress in these areas and are prepared to enter the policy-making process at any time, if a slight shift in policy priorities arises which makes it worthwhile for them to become involved. Furthermore, the policy actors in question tend to have the same resources, whatever specific policy is at stake. The variety arises from the ways in which these resources interact with, and are mediated by, specific policy situations. Given these basic similarities, it is feasible to argue that food policy-making can be conceptualised as one specific policy network, provided that account is taken of the intricate multi-tier nature of this network.

## 7.5. Food Policy-Making in the European Union: Implementation

### 7.5.1. Preliminary Considerations

Regrettably, many early policy studies have ignored the effects of policy implementation on policy outcome.<sup>86</sup> However, implementation has been accorded greater priority recently, since it frequently explains blatant gaps between policy

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<sup>86</sup> For confirmation on this point, see for example R. Mayntz, 'The Conditions of Effective Public Policy: a New Challenge for Policy Analysis', *Policy and Politics*, 11(2), 1983, pp.123-43; .S. Barrett & M. Hill, 'Policy, Bargaining and Structure Implementation Theory: Towards an Integrated Perspective', *Policy and Politics*, 12(3), 1984, pp.219-40; Burch & Wood *op.cit.*; Raab *op.cit.*



intentions and policy outcomes.<sup>87</sup> Furthermore, it is often difficult to determine "where policy stops and implementation starts".<sup>88</sup> With regard to the EU, it is beyond doubt that implementation can seriously affect policy outcomes. The Commission has to date not had adequate resources to supervise implementation effectively and has had to rely heavily on national and local administrators such as Trading Standards Officers, Environmental Health Officers, Veterinarians, Local Government Officials. There has been a notorious shortage of Commission staff, responsible for the implementation of food law, and hence, reliance upon local policy actors has been marked.<sup>89</sup> The problem has been aggravated by the Commission's frequent use of directives, as opposed to regulations.<sup>90</sup> However, Commission Statistics (Tables 9 and 10) confirm the widespread view that the greatest differences arise from non-compliance or long delays with regard to the implementation of European policies by national authorities.<sup>91</sup>

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<sup>87</sup> *ibid.*, as well as for example, M. Thrasher, 'Exchange Networks and Implementation', *Policy and Politics*, 11(4), 1983, pp.375-91; Sabatier *op.cit.*, 1986.

<sup>88</sup> Barret & Hill *op.cit.*, p.219.

<sup>89</sup> See for example, Coates *op.cit.* (general discussion on implementation); D.J. Jukes, 'The Structure of Food Law Enforcement in the United Kingdom', *British Food Journal*, 90(6), 1988, pp.239-49 (discussion of EC and UK food law implementation); P. Teague, *The European Community: The Social Dimension*, London: Kegan Paul, 1989 (general discussion on EU policy implementation, but especially on social policy); K. Collins & D. Earnshaw, 'The Implementation of European Community Environment Legislation', *Environmental Politics*, 1(4), 1992, pp.214-49 (general discussion on EU policy implementation, but especially on environmental policy); J. Usher, 'Implementing the Rules', Paper presented at the ESRC Conference on the Evolution of Rules for a Single Market, University of Exeter, 8-11 September 1994.

<sup>90</sup> See for example R. Watson & V. Smart, 'In Search of Singular Success', *The European*, 27-30 May 1993, p.3.

<sup>91</sup> Delays and non-compliance tend to be more marked in countries such as Italy, where governments have much less power to rush through Parliament new legislation and where there is a certain cultural acceptance of non-compliance to law. Denmark and the UK have on the whole been the fastest and most conscientious enforcers of EU law. See for example, CEC, WE/28/93; *Single Market News*, 'Make Your Voice Heard', autumn 1992, p.1; V. Smart & H. Clarke, 'Gloves off in fight for the Single Market', *The European*, 23-27 December 1992, p.1; L. Walker, 'Many Measures but Single Goal', *The European*, 22-25 April 1993, p.39; R. Watson, 'Who Tops the Table in Europe?', *The European*, 8-11 July 1993, pp.1-2.

<p style="text-align: center;"><b><u>Table 9</u></b></p> <p style="text-align: center;"><b><u>Completion of the Internal Market: Summary as at 31/12/92</u></b></p>	
<b>Commission</b>	
<b>Total of Commission Proposals</b>	<b>282</b>
<b>Proposals awaiting adoption by Council</b>	<b>18</b>
of which: <b>priority</b>	<b>13</b>
<b>non-priority</b>	<b>5</b>
<b>Council</b>	
<b>Final adoptions</b>	<b>261</b>
<b>Current common positions</b>	<b>3</b>
<b>European Parliament</b>	
<b>First reading awaited (non-priority)</b>	<b>1</b>
<b>Second reading on common position awaited</b>	<b>0</b>
<b>Implementation by member states</b>	
<b>Measures currently in force</b>	<b>233</b>
<b>Total number of Council adoptions currently requiring national implementing measures</b>	<b>194</b>
<b>Number of Council adoptions implemented in all Member States</b>	<b>79</b>
<b>Proportion of measures implemented: measures awaiting implementation</b>	<b><u>75%</u></b>
<p><b>Source: Commission of the European Communities, Background Report on the Internal Market after 1992, ISEC/B7/93, 7 March 1993, p.6.</b></p>	

**Table 10****Implementation of Legislation by the Member States; Situation as at 31/12/92**

	<b>Measures implemented</b>	<b>Derogations</b>	<b>Measures not yet implemented</b>	<b>Regulations and other directly applicable measures</b>
<b>B</b>	<b>129</b>	<b>0</b>	<b>59</b>	<b>6</b>
<b>DK</b>	<b>165</b>	<b>0</b>	<b>22</b>	<b>7</b>
<b>D</b>	<b>137</b>	<b>0</b>	<b>51</b>	<b>6</b>
<b>GR</b>	<b>140</b>	<b>0</b>	<b>49</b>	<b>5</b>
<b>E</b>	<b>143</b>	<b>0</b>	<b>48</b>	<b>3</b>
<b>F</b>	<b>152</b>	<b>0</b>	<b>37</b>	<b>5</b>
<b>IRL</b>	<b>138</b>	<b>1</b>	<b>49</b>	<b>6</b>
<b>I</b>	<b>131</b>	<b>0</b>	<b>59</b>	<b>4</b>
<b>L</b>	<b>131</b>	<b>0</b>	<b>54</b>	<b>9</b>
<b>NL</b>	<b>142</b>	<b>0</b>	<b>46</b>	<b>6</b>
<b>P</b>	<b>147</b>	<b>1</b>	<b>44</b>	<b>2</b>
<b>UK</b>	<b>138</b>	<b>1</b>	<b>49</b>	<b>6</b>

Source: Commission of the European Communities, Background Report on the Internal Market after 1992, ISEC/B7/93, 7 March 1993, p.7.

The intensity of the single market legislative programme has underlined these problems and has forced the Commission to review its approach to implementation, especially since complaints about non-compliance have been numerous during the late 1980s and early 1990s.<sup>92</sup> Consequently, the Commission has taken numerous cases to the European Court of Justice. Sometimes, this action precipitated compliance before the ECJ had to make a judgement.<sup>93</sup> However, in some cases Court rulings were simply ignored; hence, the TEU bestowed new powers upon the ECJ so that it could, in future, demand hefty fines of non-compliers. The Commission has also begun to place more importance on monitoring and directing implementation at all stages, rather than waiting for complaints, and at liaising with appropriate policy actors.<sup>94</sup> However, the UNICE interviewee, in line with a UNICE submission to the Commission in March 1991, argued that these measures were not as yet adequate and that the matter would need to be dealt with afresh at the level of the European Council in order to design more forthright, and hence, effective

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<sup>92</sup> CEC, ISEC/B4/92; ISEC/B7/93; *EP News*, 'EC Courting Simpler Laws', 8-12 February 1993, p.2; R. Watson, 'Euro Boss Calls for Easier Laws', *The European*, 24-27 June 1993, p.41; Usher *op.cit.* Andersen and Eliassen found that complaints of non compliance can take the form of lobbying: "The main reason for the Danish ship owners' association to send a lobbyist to Brussels, for example, was to lobby the Commission, the European Court and national courts to get EC rules implemented and obeyed by other European ship owners." {Andersen & Eliassen *op.cit.*, 1991, p.179.}

<sup>93</sup> See for example Richardson and Mazey *op.cit.* Parliamentary Affairs, 1992, on this point.

<sup>94</sup> CEC, WE/15/92. There is a long history of complaints that the ECJ's inability to control judgements and, hence, implementation is undesirable, see for example Wallace *op.cit.*, 1971; Allen *op.cit.*; 1989; Sheate & Macrory *op.cit.*. Many interviewees confirmed this point too. As mentioned in Chapter two, the problems with implementation lessen the practical impact of Commission and ECJ activities. This is an important finding, but it must not be exaggerated either, since (a) sometimes non-implementation is a matter of delay only and (b) the issue is being tackled. Yet, there remain many loopholes in the implementation process that need to be addressed with more vigour and innovation.

provisions for the implementation of EU law.<sup>95</sup> This seems a reasonable argument, although it will be resisted by all those who fear greater integration as a result of enhanced implementation powers given to the ECJ and the Commission.

#### 7.5.2. Implementing European Food Policy

The transformation into national legislation of EC Directives on foodstuffs broadly follows the trends outlined in Tables 9 and 10 but has, at times, lagged behind even further:

"In Bezug auf die Umsetzung von EG-Maßnahmen in nationales Recht stellt der Bericht [der EG-Kommission] fest, daß insgesamt erhebliche Fortschritte erreicht wurden, jedoch befinde sich der Ernährungssektor dabei mit einem Umsetzungszustand von nur 50% im Rückstand."<sup>96</sup>

"Neben den noch unerledigten Aufgaben der Rechtsetzung wird sich die Lebensmittelwirtschaft zunehmend auch mit der Durchführung bereits verabschiedeten Gemeinschaftsrechtes befassen müssen."<sup>97</sup>

Despite these set-backs, implementation and enforcement of food law is heavily promoted at all levels and has led to a fundamental overhaul of the national law in some member states. For example, the UK Food Safety Act, 1990, and the Amendment of the German Food Law, 1992, were primarily national responses,

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<sup>95</sup> UNICE, 'UNICE Submission to the Intergovernmental Conference on Political Union: General Considerations', ZT/LL/13.A.4., 18 March 1991.

<sup>96</sup> "With regard to the transformation of EC Directives into national law, the report states that, on the whole, considerable progress was made, but that the food and drinks sector was lagging behind, since less than 50% of food legislation had been adopted at national levels." BLL, 'In Sachen Lebensmittel: Jahresbericht 1990/91, Bonn, 1991, p.11.

<sup>97</sup> "Besides the unresolved legislative issues, the food and drinks sector will have to deal increasingly with the implementation of EC law." BLL *op.cit.*, 1992/3, p.2.

aimed at incorporating the new EC legislation into the existing legal framework.<sup>98</sup> Both documents contain instructions on enforcement so as to assist the smooth implementation of new EC law. These documents, as well as all Commission communications on the subject of implementation and enforcement, emphasise two points: First, the need for partnership during implementation and, second, the necessity to inform and train both implementors and food and drinks processors as appropriate.<sup>99</sup>

The emphasis on partnership has led to temporary and ad hoc sub-networks, responsible for implementation of, usually, one particular piece of legislation.<sup>100</sup> The Commission has participated in these sub-networks in a variety of ways such as: (a) regular meetings with home based national civil servants to deal with complaints, problems and the like; (c) production of guidelines for administrative co-operation; (d) establishment of data-transmission networks; (e) programmes for exchange of officials; (f) support for co-operation between laboratories and certification bodies;

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<sup>98</sup> *ibid.*, Part XV: Änderung des LMBG; Food Safety Act 1990, HMSO, 1991; P. Phillips, 'EC and UK Food Legislation - an Overview', Presentation at a Symposium organised by Leatherhead Food RA, 8 April 1991; S. Fallows, '1991: a Watershed Year for UK Food Legislation', *British Food Journal*, 93(2), 1991, pp.3-7.

<sup>99</sup> This point was made by a great number of commentators, e.g. Allen *op.cit.*, 1989; Phillips *op.cit.*; V. Scherrer, as reported in *AGRA Alimentation*, 'Unibrem: le nouveau président', no 1142, 15 décembre 1988, pp.4-5; M. Welsch, 'Die Entwicklung des gemeinschaftlichen Lebensmittelrechts', *Wirtschafts-, Verwaltungs- und Umweltrecht*, 2, 1991, S.86-94; interviewees from ANIA and CIAA.

<sup>100</sup> As seen, internal fragmentation within sectors happens at the formulation stage too, but is even more marked at the implementation stage. Nonetheless, a detailed study of implementation will show that, within each member state, the actors in one sub-network overlap to a good degree with those in others, i.e. Commission officials, national and local civil servants, trade associations, etc. are likely to be involved in the implementation of virtually all food policies, but their particular functions, powers and behaviour may vary, and the structures of the sub-networks may subsequently be slightly different in each case.

(g) publication of information and training material.<sup>101</sup> Immediate responsibility for supervision and law enforcement lies with national, regional or local civil servants. Their activities have included general monitoring of foodstuffs, sampling and testing products, inspecting premises, training and advising food and drinks processors, liaising with other civil servants and Commission officials, producing reports for the latter. These civil servants usually work in tandem with national and regional trade associations, consumer, environmental and other interested groups and the food and drinks processors themselves. They frequently delegate activities, especially to trade associations and research establishments. Training and information dissemination are the favoured areas of delegation.<sup>102</sup> Hence, a sizeable part of implementation responsibilities are 'contracted out' to the private sector!

Although the Commission and the ECJ are closely involved in the implementation of EC policy and are promoting greater harmonisation in this area, the current structures undoubtedly enhance the overall contribution of national as well as sub-national policy actors. Those who are responsible for the implementation of food law seem to be acting less politically than their counterparts at the policy formulation stage. However, politics is never entirely absent, even at the implementation stage. Furthermore, there is some evidence that, besides political

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<sup>101</sup> See e.g. ISEC/B7/93. Given some of the findings in the thesis regarding difficulties in communication between the Commission and industry and the constraint on resources, the learning process may be lengthy and difficult.

<sup>102</sup> Allen *op.cit.*, 1989. In some quarters such delegation has caused concern, because it may cause more confusion about food safety aspects, and who to turn to for advice, than already exists among many food and drinks processors. Evidence for existing confusion is presented in the following Section of this chapter as well as elsewhere, e.g. in J. Graham, 'Wither Food Safety? Consumer Attitudes and Perceptions', Presentation at a symposium organised by Leatherhead Food RA, 24 May 1990. Graham is for example concerned about delegation of training responsibilities on issues related to food safety.

priorities, traditions, cultural outlooks and economic concerns can hinder smooth implementation.

Law enforcers cannot supervise food and drinks processors constantly and, hence, successful implementation also depends on the co-operation of the latter. Research data produced some interesting findings in this respect. Food and drinks processors are resigned to changing legislation, given that the industry itself is constantly undergoing change, both technologically and structurally, and on the whole, they seem to be law abiding. However, the following statements reveal concern with the pace of change and the repercussions for their businesses.

"For tiny companies like us, there is sufficient initial extra cost, because we have to comply with new legislation, e.g. with labelling."

"Production standards will have to change in our case, this means more checks and paper work."

"Considerable expenditure on updating current premises or re-locating to new premises."

"We now have to learn languages and get standards improved".

"Redesign products to meet different demands."<sup>103</sup>

However, willingness to adapt to changing legislation is not sufficient; adequate knowledge of the new laws is also required. It is alarming that not all food and drinks processors have sound knowledge of the changing legislation (Figure 2), perhaps partially as a result of the communication difficulties between Eurocrats and industrialists referred to earlier in the thesis. Lack of knowledge, coupled with a

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<sup>103</sup> These are all comments by respondents to the mail survey on the effects of The Single European Market and the Food Industry.



commitment to behave in a law abiding way, has led occasionally to curious reactions. For example, a small poultry processor spent a lot of extra money and time on excessive testing, because he was very concerned that he would otherwise not meet the new legal requirements. Interestingly, he also seemed to be unclear as to what was actually legally required of him and what related to voluntary quality improvements so as to meet BS5750 standards. He felt that he had received "only very little information" and got "very little information and help, if any from DTI", but "some from MAFF but only because, unlike other food organisations, we register voluntarily."<sup>104</sup> The processor acknowledged that local officials eventually helped him to cope more constructively with new demands concerning food hygiene and quality control: "EHO's and Trading Standards are the only approachable, useful people."<sup>105</sup>

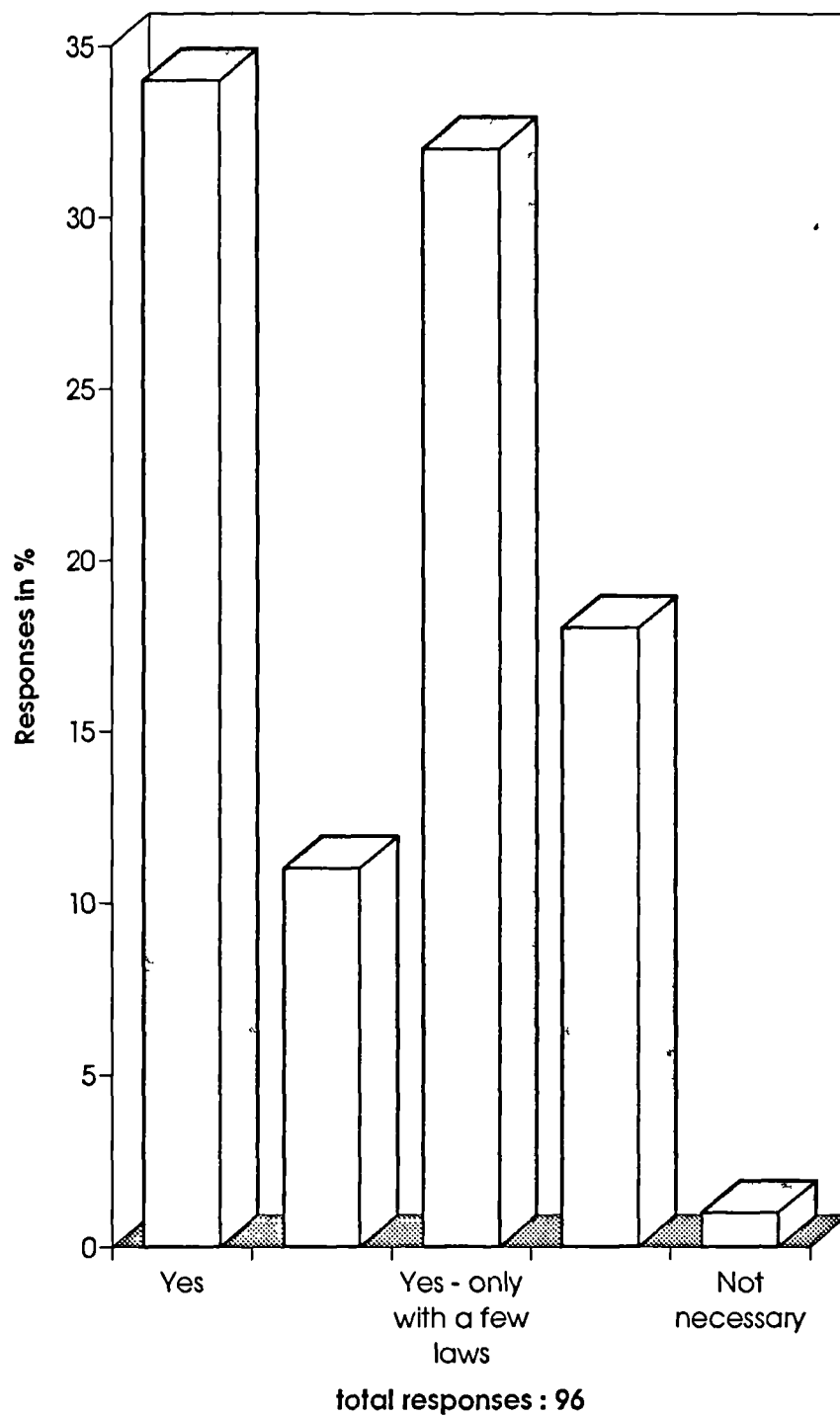
A small number of processors are concerned about the differences arising from idiosyncratic national implementation procedures (Figure 3). For example, the British Poultry Meat Federation was convinced that MAFF interpret guidelines to safeguard hygiene and public health more stringently than any other country.<sup>105</sup> They argued that this caused unnecessary extra cost to the processors, so reducing their ability to compete with other EU businesses. A few other British processors expressed similar concerns, but it is difficult to verify how appropriate these are, particularly since underlying national prejudice and feelings of superiority are not entirely absent among food processors, as can be seen from the quotes on 271.

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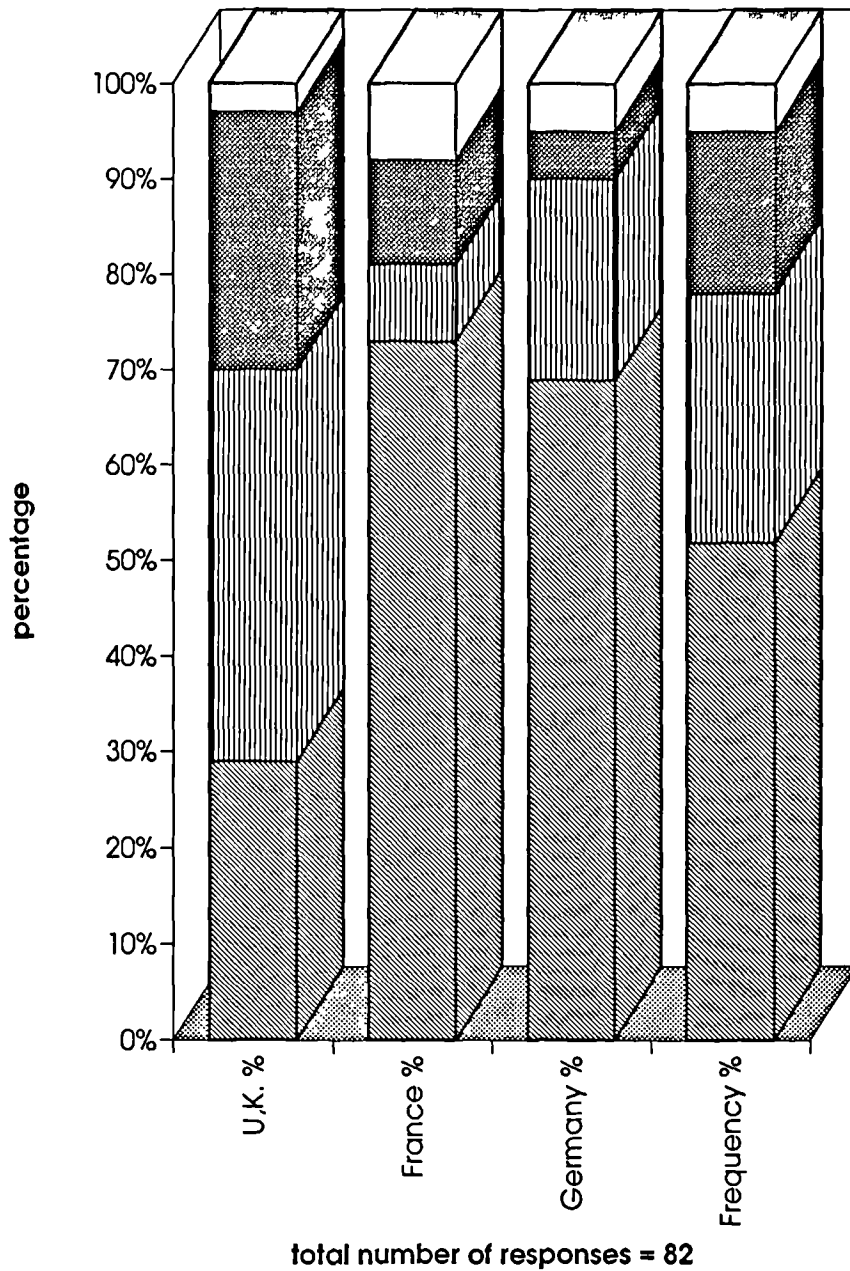
<sup>104</sup> Quotes from a conversation with a small British poultry processor who was interviewed during 1991.

<sup>105</sup> This became evident during an interview with one of their representatives, London, 1992. The issue was raised with one of the MAFF interviewees who did not think that it was an issue at all.

**Figure 2 : Is Somebody In Your Organisation  
Familiar With The Majority Of EC Laws On  
Food & Drink**



**Figure 3 : "The Single European Market Can Only Function Effectively And Successfully If EC Directives And Regulations Take Clear Precedence Over National Laws". With Regard To The Above Statement, Do You Agree / Disagree**



☒ Agree Entirely  
 ☒ Agree Partially  
 ☒ Disagree  
 ☒ Don't Know

"Some of our laws are more exacting and should be kept."

"Britain may have laws stricter in some cases, also EC directives could strip Britain of its regional food characteristics."

"We have well proven laws in our country which have been respected for many years and proved satisfactory in most courts."<sup>106</sup>

To a lesser extent, similar worries were expressed by German respondents:<sup>107</sup>

"If national laws are better, they should have precedence."

"Useful national directives(?) must not be overruled by EC directives."

"Reduction of standards of laws and directives must be prevented."

This short discussion on implementation confirms two widespread views. First, implementation of food law is likely to preoccupy policy-makers and food and drinks industrialists increasingly, given that it is neither a smooth, nor a fast process. Second, implementation of food law offers the "opportunity to influence the form of the actual cutting edge of legislation".<sup>108</sup> In the case of the EC it tends to lead to a certain fragmentation and enhances national and sub-national idiosyncrasies, especially as far as directives are concerned. (Yet, increased use of regulations would probably hinder progress towards integration, given that agreement on many policies is not easy and, therefore, it does not constitute an easy remedy.<sup>109</sup> Even once directives have been integrated into national law, implementation can be varied, as a result of different administrative systems, but also as a result of the ways in

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<sup>106</sup> Questionnaire comments by British food and drinks processors.

<sup>107</sup> Questionnaire comments by German food and drinks processors.

<sup>108</sup> *BCCA*, Annual Report, 1990, p.14; For confirmation on similar trends elsewhere, see for example M. Thrasher *op.cit.*

<sup>109</sup> This view was implicit in the following comment by a questionnaire respondent: "only in the perfect world can every national and local precedent be overcome."

which food and drinks processors deal with new legislation. The way in which new legislation impacts on its environment is, in the final analysis, not only dependent on how policy-makers implement legislation, but also on the ways in which industrialists react to legislation and use it to their advantage or disadvantage. This is particularly true for 'enabling' legislation which creates new opportunities. Therefore, the final part of this chapter looks at some responses by the to new food legislation, arising from the drive to create a single European market. However, it is first necessary to take another brief look at policy analytic frameworks, in the light of the additional complications added by the policy implementation phase.

At the implementation stage, new policy actors enter the process and others are no longer involved. Furthermore, the structure of the food network changes and, besides the Commission officials, different actors move to the core, whereas others are relegated to the periphery. Also, policy actors behave somewhat differently in that political considerations are less important, and certainly less overt, than at the formulation stage. The alterations signal partial breaks and new syntheses in resource dependence and raise the question whether implementation should be treated, in terms of analysis, as a separate network. European level food policy-making certainly challenges the views of those who subscribe to the notion that no clear-cut distinctions can be made between the various stages of the policy process. However, the breaks in resource dependence between the formulation and implementation stages are only partial and it is possible to accommodate both phases within one policy network, provided that the differences are sufficiently highlighted.

It has become evident that, as far as European food policy is concerned, policy-making is far more complex than suggested by the Rhodes-Marsh model. The extended model, as proposed in Chapter 6, is better able to capture the multi-level bargaining processes that go on inside the policy network. Yet, even this conceptual

framework is in many ways too static and rigid to capture the dynamic and intricate nature of food policy-making, and probably of other policy networks. However, this conclusion does not render the models useless, given the function of analytical tools in social sciences as outlined by Vincent.<sup>110</sup>

7.6. A Miniture Case Study on Industrial Reactions to Legislative Changes in the Business Environment: Responses by Food and Drinks Processors to the Legislative Programme Designed to Facilitate the Emergence of a Genuine Single European Market

7.6.1. Summary of General Surveys on the Responses of European Businesses to the Creation of the Single European Market

It would have been very hard for the European industry to miss the message that the creation of a truly integrated market brings tremendous opportunities for those who exploit them and serious threats for those who ignore the changing environment.<sup>111</sup>

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<sup>110</sup> See quote by Vincent in Chapter six.

<sup>111</sup> Cecchini et al. *op.cit.*; CEC *op.cit.*, Research on the Cost of Non-Europe...; J. Morrow, 'UK firms in the Euro Fast Lane', *The Guardian*, 13 October 1989, p.14; P. Genet, 'Nos petits champions de l'exportation', *Le Point*, no 988, 24 août 1991, pp.42-6, have stressed particularly the opportunities and benefits that could be expected from the SEM.

However, most commentators emphasised potential pitfalls, as well as opportunities, and many of them underlined the extent to which business may need to reshape itself to benefit markedly from the SEM. For such views, see for example, J. McGee & S. Segal-Horn, 'Changes in the European Food Processing Industry: the Consequences of 1992', Presentation at 8th Annual Strategic Management Society Conference, Amsterdam, 17-20 October 1988; J.R. Nicholls, 'The EC: Dancing with a Gorilla?', *British Food Journal*, 90(6), 1988, pp.263-7; R. Owen & M. Dynes, *The Times Guide to 1992*, Times Books Ltd., 1989; R. Monbiot, 'A Business Look at 1992', Presentation at a symposium organised by Leatherhead Food RA, 14 November 1989;

Undoubtedly, potential threats and opportunities were sometimes exaggerated in order to reinvigorate European integration, although to argue that "the whole thing is just one big advertising hype" is unfair and excessively cynical.<sup>112</sup> It would therefore be reasonable to expect business organisations to take an interest in the European developments and to engage in appropriate strategic preparation.<sup>113</sup>

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Rapport du Groupe de Stratégie Industrielle Agro-alimentaire, *Les industries alimentaires françaises face au défi européen*, Tome I: synthèses et résumés, La Documentation Française, 1990; S. Macphie, 'The Threat and the Response', Presentation at a Conference on '1992', organised by the National Association of Master Bakers and the Scottish Association of Master Bakers, London, 27 February 1990; R. Monbiot, 'The Impact of the EEC on the UK Food Industry', Presentation at a symposium organised by Leatherhead Food RA, 24 May 1990; P. Deloffre, *Rapport d'orientation*, publication de l'Assemblée Générale de l'ANIA, 24 octobre 1991; KPMG *op.cit.*

Others, such as Pringuet, have stressed that for food and drinks processors, an integrated market exists already to a large extent and that, consequently, the SEM will not have a great deal of impact at all. {P. Pringuet, 'La révolution européenne est déjà réalisée', *Annales des Mines*, numéro spécial, février 1989, pp.140-1.}

Many questionnaire respondents adopted similar views, e.g. "Europe is already an extremely tough market for our product, with lots of high quality, low price opposition, and for a long time to come we can sell all our output within the UK and the USA." "Not much effect; eating habits will alter only insignificantly." "Most of our production has a very short shelf life, so we are unlikely to be able to export, but we will not be affected too much by imports either." "We are a small company; our developing priority: North Wales and we foresee over the next four years that our growth will be restricted in this area. Over the four years behind, growth will gradually develop from that base with short lines of communication."

The idea that the SEM does not affect some businesses, for whatever reasons, is obviously a quite commonly, but genuinely mistaken view, given the many legislative changes referred to earlier in this chapter. Nonetheless, it must be admitted that there are significant differences within food and drinks sub-sectors, with some sectors, such as soft drinks, being more affected by legislative change than others. Yet, food and drinks processors are also part of broader changes and are affected, too, by other SEM policy measures, for example in respect of social, environmental, transport, competition policies.

<sup>112</sup> This is the view of a trade association representative who wishes to remain anonymous.

<sup>113</sup> Plenty of literature exists that discusses the benefits of strategic preparation, although some accounts take a rather naive view of the freedom of manoeuvrability that firms have and often ignore important constraints, such as resources, cultural outlook, etc. {See for example, N.H. Chorn, 'The "Alignment" Theory: Creating Strategic Fit', *Management Decision*, 29(1), 1991, pp.20-4; E.F. Harrison, 'The Concept of Strategic Gap', *Journal of General Management*, pp.57-72, as referred to in B. Axford et al., 'The Single European Market and Small Businesses: Evaluation of and Responses to a Changing Environment', *European Research*, 2(4), July 1991, pp. 1-6.}

Surveys carried out during the late 1980s and early 1990s indicated that awareness of changes in the European business environment was quite high, but that active preparation was much lower. For example, by 1991, 98% of respondents interviewed for a Single Market News survey were aware that an integrated European market was being created.<sup>114</sup> A similar survey in 1990 had reported that only 43% of UK firms had so far engaged in any form of preparation. In 1991 this figure was virtually unchanged across all firms interviewed, but was 67% among large and international firms.<sup>115</sup> Only 9% of the firms that had not prepared themselves in any way for the SEM had undertaken a strategic appraisal before deciding that they did not have to respond actively to the environmental changes. Some 28% blatantly admitted that this decision was based on personal feelings and subjective assessments, and not on a strategic appraisal. A further 5% declared themselves too busy to even think about the SEM.<sup>114</sup> A survey carried out among

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There are however some valuable discussions of strategic management, e.g. D. Binsted, 'Learning to Cope with Change', *Management Decision*, 24(3), 1986, pp.32-6; J.G. Covin & D.P. Slevin, 'Strategic Management of Small Firms in Hostile and Benign Environments', *Strategic Management Journal*, 10(1), January-February 1989, pp.75-87; D.J. Hickson et al., 'Decision and Organization - Processes of Strategic Decision Making and their Explanations', *Public Administration*, 67, winter 1989, pp.373-90; R. Whipp, 'Human Resource Management, Strategic Change and Competition: the Role of Learning', *International Journal of Human Resources Management*, 2(2), 1991, pp.165-92; D. Hahn, 'Strategic Management-Tasks and Challenges in the 1990s', *Long Range Planning*, 24(1), February 1991, pp.26-39; P. O'Farrell et al., 'Does Strategy Matter? an Analysis of Generic Strategies and Performance in Business Service Firms', *Business Strategy Review*, 3(1), spring 1992, pp.71-87 (this article provides some empirical evidence that there is a correlation between strategic management and performance); P.E. Connor, 'Decision-Making Participation Patterns: the Role of Organizational Context', *The Academy of Management Journal*, 35(1), March 1992, pp.218-31.

Some useful comments on strategic management also appeared specifically in response to the creation of the SEM, e.g. Daems *op.cit.*; E.C. Friberg, 'The Challenge of 1992', *The McKinsey Quarterly*, autumn 1988, pp.27-40; S. Rothwell, 'Preparing for 1992 - Where Should We Start?', *Manager Update*, 1(2), winter 1989, pp.16-26; J.D. Sharp, 'A Business Strategy for the Single European Market', *Long Range Planning*, 23(2), April 1990, pp.35-42; P.J. Williamson, 'Sales and Service Strategy for the Single European Market', *Business Strategy Review*, 3(2), summer 1992, pp.17-43; Stahr et al. *op.cit.*

<sup>114</sup> *Single Market News*, 'Campaign: How Ready is Business?', No. 13, winter 1991, p.30.

<sup>115</sup> *Single Market News*, 'Campaign Report: British Business is Taking Action - Are You?', No. 9, winter 1990, p.11.



small businesses in Oxfordshire produced comparable results.<sup>116</sup> Not surprisingly, a CBI survey found that more large firms undertook strategic appraisals and subsequently produced action programmes, if deemed necessary.<sup>117</sup>

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<sup>116</sup> Axford et. al. *op.cit.*

<sup>117</sup> *CBI News*, 'UK Firms Lead Europe in Preparation for 1992', 1990. 75% of UK firms with 200+ employees apparently undertaken a strategic appraisal by 1989; of these 77% acknowledged that sales and marketing were going to be their major areas of change. This view was confirmed elsewhere in e.g. S. Daser & D.P. Hylton, 'The European Community Single Market of 1992: European Executives Discuss Trends for Global Marketing', *International Marketing Review*, 8(5), 1991, pp. 44-8.

Most commentators reported that large enterprises were more proactive, but there is anecdotal evidence that not all of them have exploited opportunities to the full. For example, *Marketing* reported that Cadbury's "...presence in Europe is not as bold as it could be..." and that "Cadbury seems to be taking a relaxed attitude to the Single Market." {*Marketing*, Cadbury Conquers the World', 24 January 1991, pp.20-1.

By contrast, some small firms prepared innovatively and very successfully for the SEM. See for example, H. Darrington, 'Frozen Yogurth Voted Top', *Food Manufacture*, May 1991, pp.60-2, which tells the story of Loseley Dairy Products' success in producing a range of frozen creamy yoghurt in order to enhance its competitive status in the SEM. See also, Cherry Valley's success with low-fat duck breast fillet products' as reported in the *ANUGA Exhibition Magazine*, 'Hochprofil-Präsentation auf der ANUGA, Oktober 1991, S.36, or, John Pretty's experience with his Millers Damsel Enterprises Ltd. {J. Pretty, 'Developing a Market from Small Beginnings', in Brace & Patten (eds.) *op.cit.*, pp.51-4.}. More generally, see for example Watson & Smart's account of Bill Cronin, an airline captain with Lufthansa, who set up, in addition to his regular job, a small high quality silk garment business, based originally in Southern England, but now with subsidiaries in half a dozen EU countries. {R. Watson & V. Smart, 'In Search of Singular Success', *The European*, 27-30 May 1993, p.3.}

On the whole, reactions of small businesses have however been muted. For example, Mr. Barton from County Natwest referred to one of County NatWest's surveys (1990), while being interviewed for this thesis, which depicted a rather depressing picture with regard to small business. Notably, 56% of respondents had said that the SEM would not affect them or that they thought the SEM would not affect them; only 32% had a positive view of the SEM and only 23% had taken some action. German surveys were somewhat more promising but produced nonetheless comparable results, with only around 50% of survey respondents expecting opportunities for their businesses. {*DIH*, Wegweiser zum EG-Binnenmarkt, 5. Auflage, Druckerei Gebrüder Kopp, Juli 1991.} Perhaps surprisingly, the CEC reported recently that small and medium-sized enterprises were now doing quite well: "Small and medium-sized enterprises (SMEs) are exporting more and offering new services, thanks to the single market, according to a survey for the Commission." This comment must be treated cautiously, given its source, but signals that some SMEs benefit from the SEM, especially in the medium- and, perhaps, longer term. {*CEC*, WE/14/95.}

7.6.2. Anecdotal Evidence of Positive Responses to the Single European Market by Food and Drinks Processors

In the food and beverage industry, responses to the single market drive were mixed. Some of the large companies were involved actively in acquisition and mergers, and there were some joint ventures. For instance, BSN acquired Lea & Perrins in 1988, Kraftfood bid for the Norwegian chocolate factory Freia Marabou and Trebor-Basset became part of Cadbury.<sup>118</sup> There was also a marked trend towards concentration in retailing, particularly in countries with hitherto fragmented markets, namely Spain, Italy, Greece and Portugal.<sup>119</sup> Furthermore, large firms were involved in other forms of preparation. For example, Rowntree Mackintosh organised tailor made language programmes for their staff and BSN's Chief Executive urged the French government successfully to train the French more effectively for the arrival of the SEM.<sup>120</sup> Although costly, product innovation has been another way to prepare for the SEM. For example, Mars Plc and other confectionery producers launched a variety of new frozen chocolate products that imitate well-known existing

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<sup>118</sup> See for example, J. Morrow, 'UK Firms in the Euro Fast Lane', *The Guardian*, 13 October 1989, p.14; N. Barton, 'Mergers and Acquisitions in the Food Industry', Presentation at a symposium organised by Leatherhead Food RA., 24 May 1990; 'R. Domeniconi, Nestlé SA, 'Acquisitional Growth, the Answer to European Consolidation?', Presentation at the County NatWest Conference on 'Food Without Frontiers', 6 June 1991; *Lebensmittel-Zeitung*, 'Die Konzentration nimmt zu', Nr. 41, 10. Oktober 1991, S.46. K. Fossli, 'Hershey May Launch Counter Bid for Freia Marabou', *Financial Times*, 30 September 1992, p.23. Mr. Barton, Director, County NatWest Ltd., also confirmed during the interview (see footnote 115) that mergers and acquisitions had become a major means of preparing for the SEM, at least as far as large business was concerned.

<sup>119</sup> See for example, J. Sasseen, 'Setting Up Shop Across Europe', *International Management*, June 1991, pp.29-32; M. Gibson, 'The Battle of the Brand Alliance', *The European*, 13-16 August 1992, pp.40-1; I. Tapster, 'Swiss Re Agrees Allianz Deal', *The European*, 7-13 October 1994, p.23.

<sup>120</sup> See for example Boyce *op.cit.*, 1993.

confectionery such as the Mars Bar.<sup>121</sup> Other companies concentrated on reviewing and reinvigorating advertising strategies.<sup>122</sup>

### 7.6.3. Selected Responses to the Mail Survey for this Research Project on the Single European Market and the Food Industry<sup>123</sup>

As can be seen from Figure 4, some 43% of the respondents had engaged in preparatory action for the SEM and a further 10% intended to do so. Since 87% of the respondents are small businesses, this result is comparable to the findings in the general surveys referred to in Section 7.6.1. Far fewer respondents considered the SEM to be a particularly high priority (Figure 5); a finding which is also comparable to those in other surveys.

The lack of action among the majority of respondents is based to some extent on rational decision-making. For example, many questionnaire respondents commented that the recession was taking up all their attention.<sup>124</sup> For export oriented companies, the single market was often only one part of a global strategy and issues

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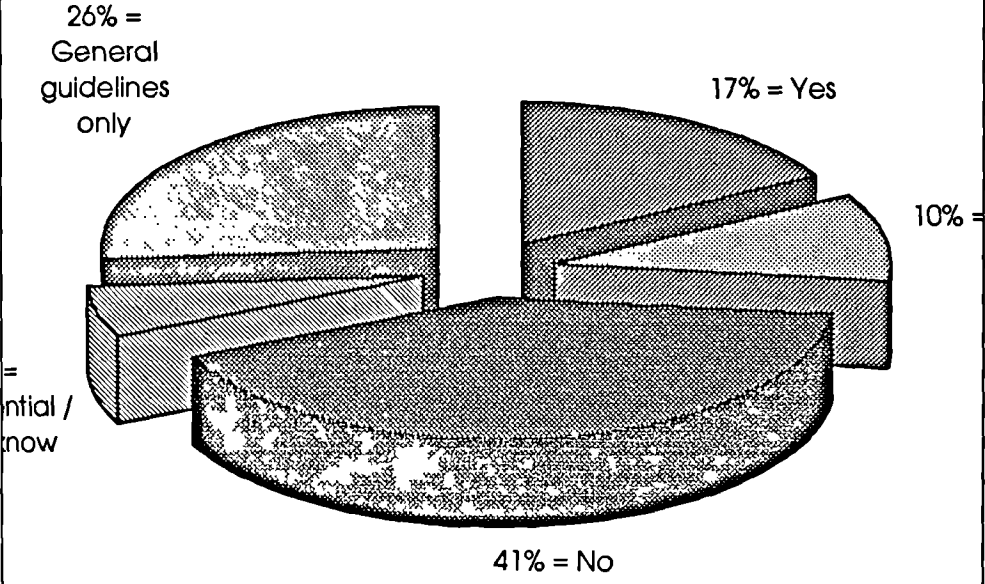
<sup>121</sup> *The Independent*, 'The Mars Today is Moreish in Every Way', 10 September 1992, p.1.

<sup>122</sup> J. Whitelock & E. Kalpaxoglou, 'Standardised Advertising for the Single European Market?', *European Business Review*, 91(3), 1991, pp.4-8. The pilot study, on which this article was based, confirmed that standardisation of advertising would not be a viable option in most instances, due to cultural differences.

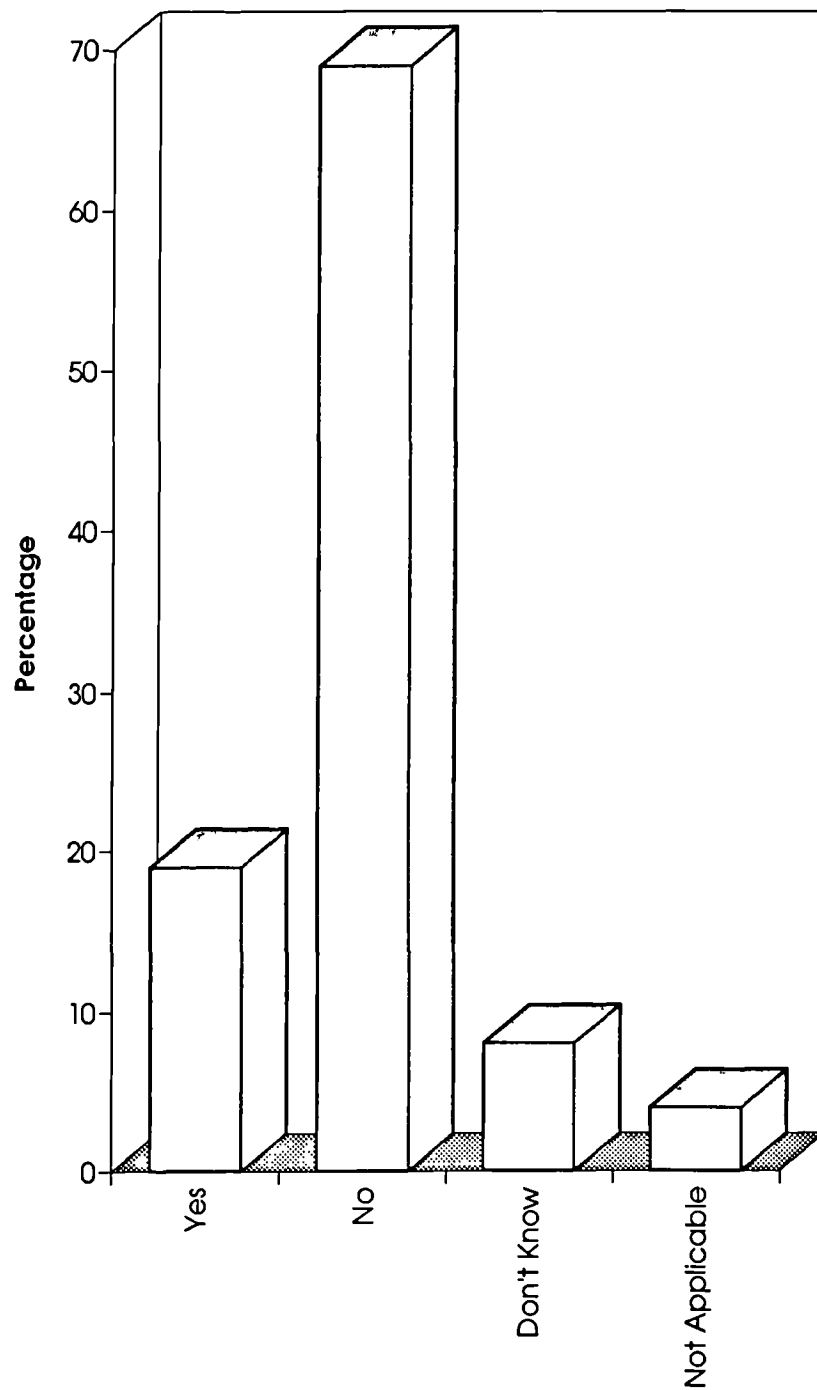
<sup>123</sup> For a discussion of the content and execution of this survey, see Chapter 1, Section 1.5., as well as Appendix I.

<sup>124</sup> There appears to have been a decline in intra-EU trading that was explained by the impact of recession, but it became evident mainly during 1993, when such trading decreased by 11%. Hence, fears of recession and anticipated recession may be nearly as stifling as well as actual recession. {For the reference to the 1993 decrease in intra-EU trading, see notably S. Panter, 'Remember, Europe also Means Britain', *The Guardian*, 1 January 1994, p.33.}

**Figure 4 : With Regard To The Single European Market, Does Your Company Have An Action Plan ?**



**Figure 5 : Would You Say That, On The Whole, The Preparation For The Single European Market Has Become One Of The Priority Areas Within Your Organisation ?**



total responses = 85

such as GATT negotiations took on greater importance.<sup>125</sup> Some companies reckoned that they had exploited European market opportunities already as much as they wished to. Sometimes there was already a market saturation of products or a company's products were only suitable for local markets. The following comments by questionnaire respondents confirm these points.

"We are already well established in Europe and tend to be limited by product availability rather than by marketing opportunities."

"Europe is already an extremely tough market for our product, with lots of high quality, low priced opposition, and for a long time to come we can sell all our output within the UK and the USA."

"Not much effect; eating habits will alter only insignificantly."

"Most of our production has a very short shelf life, so we are unlikely to be able to export, but we will not be affected too much by imports either."

Many questionnaire respondents and interviewees stated that they were more concerned about strategic developments other than the SEM, notably the CAP reform, GATT negotiations and, to a lesser extent, EMU, or about national issues. The latter took on a particular meaning for German business people, following reunification and virtually all German questionnaire respondents and interviewees commented on this in the following or similar ways: "Re-unification is a severe distraction and can interfere with preparation for the internal market." Food enterprises are notoriously unstable and the set-up and bankruptcy rates are very high. Consequently, many firms have very limited financial resources and are so worried over cash flow problems and profit margins that they fail to take much notice of broad changes in their strategic environment. The following quote by a British food processor is symbolic for the outlook of small and harassed processors. "We hardly know how to pay our bills, Europe is just a dream for us." According to

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<sup>125</sup> See for example, Gebhard *op.cit.*

an official from MAFF, the preoccupation with prescriptive legal change uses up the resources (financial, time, staff, etc.) of some processors to the extent that they are unable to take advantage of 'enabling' legislation. The example, mentioned earlier, of the small UK poultry processor, that undertook excessive levels of testing, lends weight to this view.

There are also some less rational and less tangible reasons for inactivity which run contrary to the assumptions of harmony on which much theory of strategic management has been based.<sup>126</sup> The following comments show that some industrialists simply relied on their intuition, probably to their detriment.

"I think there will be very little effect in our market."

"I only believe half in it"

"We are not at all concerned with the SEM"

"Many bakers think that 1992 will not affect them,..."<sup>127</sup>

Uncertainty seems to stifle preparation for the SEM, too, and there is evidently a correlation between feelings of uncertainty and lack of strategic planning in general.<sup>128</sup> This is a worrying matter, given that 22% of survey respondents did not

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<sup>126</sup> See footnote 111.

<sup>127</sup> The first three comments were made by questionnaire respondents, the fourth was made during the special conference on '1992', organised by the National Association of Master Bakers and the Scottish Association of Master Bakers, 1990. {The emphasis (italics) in the quotes is added by the author of the thesis. }

<sup>128</sup> See for example, Friberg *op.cit.*; C.H. Wilson, 'Developing and Marketing Dairy Product Brands in Europe', *European Business Review*, 91(3), 1991, pp.34-43; The negative impact of excessive feelings of uncertainty were also mentioned by some interviewees (e.g. MAFF, BVE, Ministère de l'Agriculture et de la Forêt) and can be read between the lines of some of the comments made by questionnaire respondents, e.g. "...it is too early to judge with confidence..."; "We have a comprehensive plan, but again, until legislation and timing of implementation is finalised, key issues remain difficult to predict."

know how the SEM would affect them. A further 8% said that they did not know if the internal market had any effects at all and 14% were uncertain about the impact on the food and beverage industries. Finally, 12% had apparently no idea about the ways in which the 1985 White Paper legislative programme would influence the business environment in their respective countries. It is understandable that feelings of uncertainty stifle proactive behaviour, but there is much evidence that business organisations cannot afford to be frightened off too much, given the volatility of today's European business environment.<sup>129</sup>

Partially, organisational response depends on a firm's cultural outlook and on its self-image.<sup>130</sup> For example, businesses that regard the "SEM as a Mount Everest to climb", are less likely to respond positively than those that "don't see why we shouldn't one day be involved." There is some evidence from secondary literature that Europe's food and drinks processors are, overall, reacting in a rather

For a more general discussion on the stifling nature of uncertainty, see for example, J.K. Liker et al., 'Changing Everything All at Once: Work Life and Technological Change', *Sloan Management Review*, summer 1987, pp.29-47.

<sup>129</sup> For confirmation of this point, see for example, A. Kakabadse, 'Planning for Change', *Management Decision*, 25(4), 1987, pp.22-7.

<sup>130</sup> For valuable discussions on the concept of organisational culture and its effects on organisational behaviour, see for example, A.M. Pettigrew, 'On Studying Organisational Cultures', *Administrative Science Quarterly*, 1979, No.24, pp.570-81; E.H. Burack, 'Changing the Company Culture - the Role of Human Resource Development', *Long Range Planning*, 24(1), 1991, pp.85-99. Some of the mail survey responses indicate that organisational culture, and especially self-perception, can indeed shape outlook and subsequent activity, or inactivity, as the case may be. See for example the following comments: "We are independent, with longstanding modes of operating." "we are too small to see how the organisation of the SEM could affect us." "The character of my organisation is formed mainly by internal influences like effort, skill, will to succeed and improve."



conservative way to the opportunities arising from the SEM, probably because many firms have a parochial culture.<sup>131</sup>

Since many heavily export and/or Euro-oriented firms have already treated Europe as one market,<sup>132</sup> an open outlook and/or export experience need not produce marked extra activity. However, such a cultural outlook, particularly if coupled with resources, can engender further export activity (see Figure 6 for cross-references between export-orientation and active preparation) and may enhance overall awareness of strategic dynamics and change readiness.

Self-image and change readiness may also be mediated by national business cultures. There is a lot of controversy about the extent to which organisations are meant to be affected by this rather amorphous concept.<sup>133</sup> Quantitative analysis of the survey data uncovers no correlation between action levels and countries (Figure 7). However, there are some noticeable differences which call for explanation, for example the comparatively low level of preparation by German survey respondents.

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<sup>131</sup> For such evidence, see for example, KPMG *op.cit.*; Clark (1990) found that the fragmented and rather parochial European paper industry was facing similar barriers. {D. Clark, '1992: The Changing Structure of the European Paper Industry', *Long Range Planning*, 23(1), February 1990, pp. 89-95.}

<sup>132</sup> Institute of Personnel Management, 1992: *Personnel Management and the Single European Market*, IPM Publications, 1988.

<sup>133</sup> On more detailed discussions of national culture, see for example, G. Morgan, *Images of Organization*, Sage, 1986; C. Randlesome et al. (eds.), *Business Cultures in Europe*, Heinemann Professional Publishing, 1990; P.B. Smith, 'Organizational Behaviour and National Cultures', *British Journal of Management*, 3(1), 1992, pp.39-51; Y. Paul Huo & W. McKinley, 'Nation as a Context for Strategy: the Effects of National Characteristics on Business-Level Strategies', *Management International Review*, 32(2), 1992, pp.103-13. Most of these writers assume that national culture mediates organisational attitudes but this view has recently been challenged, e.g. by K.R. Johnson & R.T. Golembiewski, 'Nationality Culture in Organization Development: a Conceptual and Empirical Analysis', *The International Journal of Human Resource Management*, 3(1), May 1992, pp.71-84. There is neither adequate evidence, nor sufficient scope to embark in a more conclusive discussion on this topic here, particularly since the differences shown in Figure 7 cannot be explained satisfactorily (footnote 132).

**Figure 6 : With Regard To The Single European Market, Does Your Company Have An Action Plan ?**

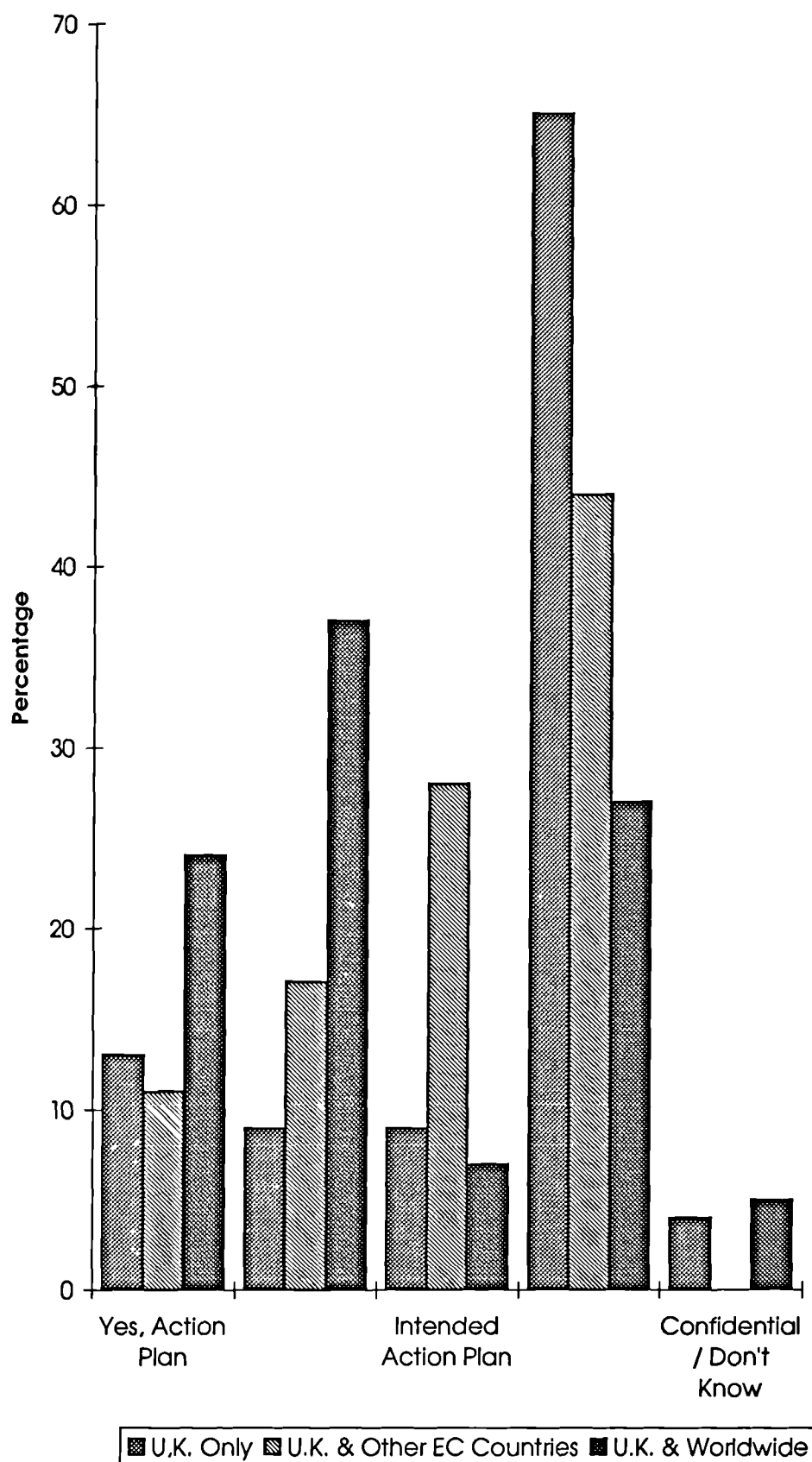
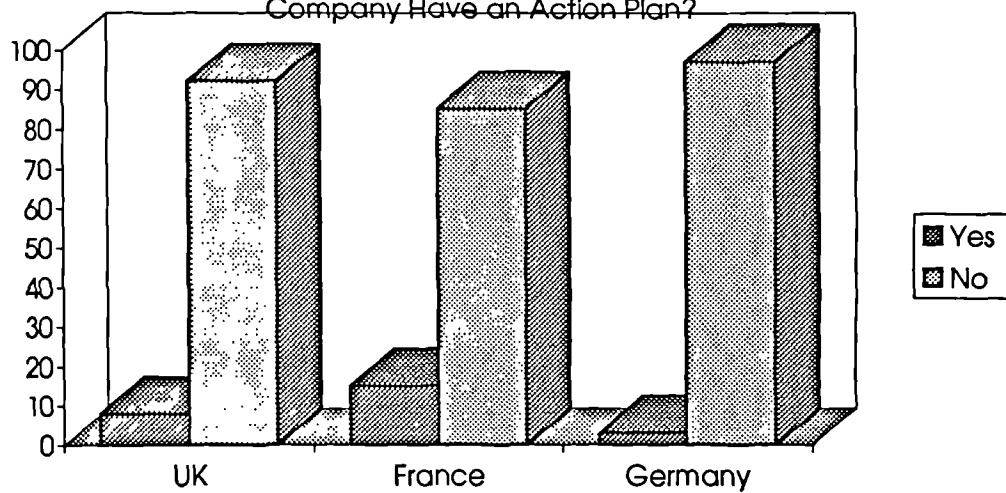


Figure 7: With Regard to the Single European Market, Does Your Company Have an Action Plan?



Unfortunately, subsequent research and analysis has not uncovered any valid cause and effect relationships, and earlier discussions of the issue have remained at the level of speculation.<sup>134</sup> Consequently, there is little value in repeating these here.

#### 7.6.4. Conclusive Remarks: Policy Implementation and Organisational Responses to Policy Output

The discussions in this chapter have by no means been exhaustive, especially as far as implementation and responses are concerned. Nonetheless, they have demonstrated that policy implementation as well as responses to policies mediate policy outcomes. Indeed, these two processes are quite crucial in explaining why policy outcomes are not uniform and why preparation for the single European market has been varied among food and drinks processors. For obvious reasons, the differences tend to be most marked with directives, but they can be quite considerable, even without taking into account the particular policy instrument employed. Since the unfolding of the implementation phase and reactions to policies are often not predictable, these two phases of policy-making add some uncertainty to final outcomes. Hence, there is a persistent need to examine the role of influences which mediate policy behaviour and responses to policy output.

In the case of food policy-making, policy implementation and responses to policy output somewhat undermine certain integration pressures that arise from the creation of new European law. In the case of implementation, this may be mainly a short to medium term problem. Over time, organisations, too, may take even more advantages of business opportunities arising from joint European policy making. However, it is unlikely that responses will ever live up entirely to some of the highly

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<sup>134</sup> See Boyce *op.cit.*, 1993, pp.228-31.

optimistic, if not propagandistic claims made by a handful of European politicians and officials.

## **CHAPTER EIGHT:**

### **CONCLUSION**

This research project has analysed multiple aspects of the policy process of the European Union in order to cast some light on the nature of this peculiar political system. The Introduction (Chapter one) has highlighted the unique, hybrid nature of this rapidly evolving political system and documents the growing relevance of the EU to European citizens, the global world order, scholars of European integration and political scientists alike. Chapter two has revolved around central constitutional and institutional characteristics of the EU and has provided a synopsis of its early history and the ways in which the latter shaped its development. The policy process of the EU takes place within the parameters set by these characteristics. Chapter three contains a summary of the major integration theories that have been used as conceptual frameworks to assist in the analysis of European integration and the EU's nature.

In Chapter 3, the intellectual debt owed to 'classical' theorists of European integration, like Haas or Hoffmann, and to general IR theorists, like Krasner or Keohane, is acknowledged. Simultaneously, it is accepted that such traditional discourse has its limitations as far as analysis of the EU is concerned, especially since it tends to be based on quite narrow, essentialist world-views. Nonetheless, some contributions seem particularly promising. For example, Moravscik's 'neo-liberal' institutionalist approach which attempts to synthesise findings from the field of international political economy with traditional neo-Realist perceptions of international exchanges. Since his work is based on empirical research relating to key stages of development in the EU, it has all the more credibility. Notwithstanding these strengths, it is not an entirely suitable framework for the analysis of the EU in

its own right, namely because it revolves exclusively around specific, path-breaking events, rather than the day to day management of the EU. Furthermore, Moravcsik plunges ultimately for a relatively narrow institutionalist interpretation, so failing to make full use of the potential opportunities that arise from his analytical framework.

Since IR theorists are concerned with the interaction between nation states, they tend to neglect the internal workings of the individual political systems which is inappropriate as far as the EU is concerned. For this reason, scholars like Bulmer, argued convincingly that any analysis of the EU has to be concerned with the domestic politics of the member states as well. Yet, while Bulmer concentrated on the ways in which domestic politics shape the behaviour of national politicians when acting at the European level, he did arguably not pay sufficient attention to ‘linkage politics’, that is the ways in which the two-level exchanges (national and European levels) affect one another and political outcome at both levels. By contrast, Putnam’s work on two- or multi-level games provides a feasible framework for inter-level analysis, even though it does not relate to the EU in particular. Furthermore, this scholar emphasises usefully the centrality and intensity of bargaining that takes place during these inter-level exchanges. Hence, his work has been integrated into a synthesised conceptual framework that has been developed in this thesis and which is, arguably, more suited to the analysis of European policy-making than any of the individual approaches and models discussed in the project, including those referred to above.

There are three main draw-backs in Putnam’s work as far as the analysis of European policy-making is concerned. First, Putnam’s work, too, concentrates exclusively on specific key events and not continued day to day management of interactions. Second, his work is concerned with international gatherings, and not semi-supranational entities such as the EU. Lastly, policy-making in the EU is too varied to be captured by an overarching conceptual approach. For these reasons, it

would not be adequate to rely entirely on his contributions. Since the EU is more integrated than international organisations and can be regarded as a political entity (albeit of a very special kind; see especially Chapter 6, Section 4) with common governance, it seemed most appropriate to synthesise multi-level bargaining analysis, as espoused by Putnam, with theoretical approaches from political science in general and the policy analytic approach in particular (see justifications elaborated in Chapters 1 and 6). Consequently, Chapters four to seven of the thesis are concerned with developing and testing an integrated, cross-disciplinary conceptual framework which is rooted in political science but takes account of the positive contributions from IR, including particularly Putnam's work.

Although Chapters four to seven contain extensive discussions on the conceptualisation of the European policy process, the latter are all based firmly on empirical data that have been collected for the project. In addition, empirical material from other sources, such as documentation, secondary literature, has been used in order to deepen the empirical basis of the discussions further. Thus, this project is rooted firmly within the empirical tradition of research, even though it contains extended theoretically oriented discussion. Primary research data were collected by way of mail surveys, interviews and non-participant observation from sources close to the production of EU policies. These data were exceptionally valuable because they provided considerably insight into the basic workings and characteristics of the EU. A synopsis of these are provided below (Section 8.1). Moreover, data demonstrated that formal EU policy procedures are mediated considerably by various informal influences, thus making for systemic variety. The interaction between formal and informal policy influences and the role and significance of the latter are summarised in Section 8.2. Given the principal findings which could be deduced from the empirical data, discussions in Chapters four to seven centred increasingly on the elaboration of a conceptual framework which is sufficiently differentiated to take account of systemic variety. Section 8.3



summarises the main points of these discussions and proposes strategies for future work concerned with the elaboration of a suitable conceptual framework for the analysis of EU policy-making.

#### 8.1. The European Union: background and basic characteristics

It is important to be aware of the historical background to the formation of the EC because it influenced its basic constitutional and institutional make-up. Indeed, formalised European integration has been a function of the search for peace among European nations. It was assumed that opening up markets to member states would create economic wealth, due to increased intra-European trading. In turn, economic interdependence and rising standards of living would make for a more peaceful co-existence, despite marked political and cultural divergence among European nations. Chapter two illustrated that these assumptions were not uncontested. However, the majority of commentators on European integration accepted that the interlinking of national economies had had positive repercussions on peace in Western Europe. There is more debate as to whether the specific form that formal European integration took was the most suitable way to enhance economic growth and living standards in European countries.

Despite the primacy of economic considerations and considerable efforts on behalf of the founding fathers of the EU to eliminate political squabbling, European integration has always had intensely political undertones which have sometimes manifested themselves overtly, for example while drawing up and ratifying the TEU. Therefore, the European constitution (the various Treaties and the SEA), and many ensuing formal measures, are the result of fierce political bargaining. Moreover, political considerations have prevailed increasingly which is symbolised by the formal institutionalisation of the European Council, the slow, but gradual

ascendancy of the European Parliament, the *relative* decline of the Commission and the introduction in the TEU of two new, overtly political, aspects to European integration, that is the Common Foreign and Security Policy and the Common Home and Justice Policy. The quintessentially political character of the EU is not all that surprising, given that it is above all a mechanism for interstate conflict and rivalry!

The provisions in the European Treaties have not been without ambiguities, nor detailed enough, to provide adequate guidelines within which political bargaining could take place. Furthermore, the political dynamics that have driven the development of the EU have sometimes been halted by internal divisions and/or national self-interest. As a result, the ECJ has had many opportunities to shape the direction of European integration. In some cases, its proactive stance and its tendency to come up with supranational solutions to unresolved problems has caused great concern and given rise to the claim that European integration is above all legal integration. This claim is by no means unfounded, but it is exaggerated, since many other factors have driven European integration, too.

The founding fathers of the EC attempted to create a system that would not be exposed to the vicissitudes of intense political bargaining. Although they failed to do so, their contribution has had a lasting, arguably detrimental, impact. They were more concerned with the effectiveness of the new organisation than with its democratic legitimacy, and popular consultation and participation were not high on the agenda during the formative stages of the European Communities. This attitude helps to explain why the EU is still democratically deficient and why there is relatively widespread popular apathy and disaffection, despite the recent public relations exercises to 'sell Europe to the Europeans'.

Besides the preoccupation with effectiveness, there were other factors, too, that help to explain the lack of popular involvement. Notably, there was genuine popular

apathy about the 'European alchemists' and people were mainly preoccupied with reconstructing their private lives which had been disrupted by World War II. Furthermore, Jean Monnet and his colleagues deliberately aimed for low-key integration, following the rejection of earlier radical proposals. Consequently, most negotiations and discussions on formal integration went on behind closed doors. The aloof way in which the European Community was being created is also reminiscent of the then (and now, to a lesser extent) dominant culture of dirigisme, centralism and elitism that imbued the French civil service. Moreover, at the time, there was not sufficient political opposition to prevent this culture from shaping *certain* aspects of European integration. Its impact was originally particularly strong in determining the dominant culture within the Commission which then set out to perpetuate dirigiste policy-making at the European level, most notably with regard to the CAP.

This culture has been challenged quite successfully during recent decades, but only after dirigiste policy-making became increasingly ineffective and began to hinder, rather than further, increased trade exchanges among member states. Furthermore, it took a radical decision by the ECJ (Cassis de Dijon ruling, 1979) and a widespread change in the ideological and political outlook among prominent European (supranational, national, sub-national) politicians to counterbalance dirigisme to the extent that it is now more a fragmented sub-culture that continues to imbue parts of the Commission. As a result, the EU has transformed itself increasingly into a regulatory political system where the major political debates revolve around the extent of regulation and deregulation.

The founding fathers of the European Communities were convinced that, in order to create effective policies, functional interests had to play a crucial role in EC policy-making, because they were able to provide expertise and first hand practical experience in their particular fields of operation. Bureaucrats also wrongly assumed that functional interests would behave in an apolitical way. Hence, the Commission

encouraged their involvement. Politicians and officials alike also approved of their contribution because they were anxious to create an organisation that could be accessed by private interests and individuals who were concerned in one way or another with European policy-making and/or integration. This stance is at odds with the widespread aloofness among many European politicians and officials, referred to earlier, and signals a clash between some basic principles of European integration and the elitist culture of the emerging EC.

Following World War II and the spread of single party Communist systems in many parts of the world, Europeans were frightened of anti-liberal, secret and totalitarian regimes. Hence, the preoccupation - in theory, at least - with popular access and systemic openness. The abhorrence for any form of totalitarianism is also noticeable in other respects, namely with regard to the plurality of European institutions and the principle of separation of power that divides the legislature from the executive and the judiciary. Furthermore, there are provisions for a number of complex policy procedures all of which are designed to create consensus rather than to allow policies being imposed on unwilling policy-makers. However, this plurality is in the first instance a *direct result of political bargaining and the ensuing compromises* that have characterised the emergence and development of the EU, and not of the basic principles of philosophical liberalism on which post-war European thinking is based.

The prevalence of political bargaining and compromising largely explains why the number of formal institutions and policy actors has increased constantly during the past forty-four years, but especially following the ratification of the SEA and, more recently, the TEU. For the same reason, constitutional provisions, that have dispersed power between the four major institutions (Commission, Council, Court and Parliament) further and further, have been enshrined in the SEA and the TEU. However, politics is not the only reason for the steady increase in policy

participants. The latter is also a function of the growth of policy output and the complex nature of many policy issues.

Thus, the EU is a *pluralistic* political system, but it is *not* a pluralist quasi-state that conforms to pluralist theories of the state as espoused by thinkers such as Figgis or Laski, *nor* a pluralist system in the Bentley-ite sense (see below). It is pluralistic because it is multi-institutional, because power is dispersed between interdependent government institutions and other policy actors and because it is rooted in the major principles of *philosophical* liberalism and pluralism.

Even in the post-Maastricht era the European Union is not a state, nor even a fully developed political or cultural union. Indeed, it could be argued that economic does not amount to a fully blown economic union either, at least until the emerging central banking system has been fully institutionalised and all member states have adopted a single currency. It is therefore unwise to treat the EU just like any other political system and look only at its internal workings. Any comprehensive study of the nature of the EU must take into account the ways in which the individual member states relate to each other, both formally and informally and the extent to which persistent nationalism and pressures for greater supranationalism mediate interact.

The discussions in the thesis demonstrate clearly that national self-interest has remained the single most dominant characteristic of European integration! This claim does not negate the role of supranational interests, nor belittle the genuine supranational constitutional and institutional provisions that characterise some aspects of European integration, nor ignore the expansion of some of these in recent years. These have all counterbalanced and mediated national self-interest, as have some global trends towards greater interdependence. However, none has undermined the predominance of national bargaining among the major European

decision-makers, nor the continued culture of nationalism that prevails in many parts of the EU, including the supranational institutions. The latter is reinforced by the schizophrenic structures of the EU which are part intergovernmental, part supranational, by the continued bargaining based on national self-interest, by the deep-seated institutionalisation of nationalism and by the absence of a genuine and developed European ideology. In turn, the persistence of cultural nationalism reinforces the mixed nature of the structures of the EU.

These are the major basic characteristics that have shaped the development of European integration and provided a context within which EU policy-making has evolved. They are varied and in constant flux and, hence, the European Union is a highly dynamic political system which is characterised by numerous tensions. At the same time, there has been sufficient consensus among its participants to overcome cleavages, at least to the extent that they have not so far fatally wounded this innovative but troublesome political system. Hence, formal European integration has been marked by *both* intense conflict and a genuine commitment to seek consensus and produce workable policies.

## 8.2. Policy making in the EU: the significance of informal influences

European integration has been shaped also by many informal influences, albeit within the broad contextual parameters outlined above. Informal influences are particularly crucial because they create considerable variety within the same political system and, hence, a need to (a) study individual policy clusters or issues and (b) to disaggregate macro-level theories of policy-making (see below aim 3 as outlined in the Introduction and discussed Section 8.3). This study uncovered a number of reasons that explain the intensity of informal influences on EU policy-making and that are outlined briefly below.

The established structures, namely EU institutions, constitutional outlines of various policy procedures - which create themselves some variety with regard to policy-making -, other constitutional provisions, are essentially cultural scripts, that is norms, rules, established values, that are being interpreted in different ways by the many policy actors. With regard to the EU, there is a lot of scope for varied interpretations, because the ideological and cultural foundations of European integration are underdeveloped and the Treaties, on which formal integration is based, contain many ambiguities and have constantly evolved (see Chapter 2 and Section 8.1). Moreover, the EU is exposed to a myriad of political, economic and cultural pressures, many of which are contradictory and create added scope for varied interpretations of rules and norms. Furthermore, the EU is still in its infancy, especially when compared to the longer established member states, and is continuously shaping and reshaping itself.

Consequently, cultural scripts are still relatively open to interpretation and are thus manipulated variously by policy actors whose agendas are equally varied, depending on their own priorities and beliefs, their structural position vis-à-vis other policy-makers and their functions in the policy process. The following example, which is based on the findings of the study, illustrates that distinct subcultures have emerged within the EU but that, even where subcultures coincide, policy outcomes may vary greatly, because of the idiosyncratic structural make-ups of individual policy areas. The example substantiates all the arguments laid out in the previous paragraph.

The political interests of many of the policy-makers who are involved in agricultural and social policy areas have led them to argue that, according to the spirit of the Treaties of Paris and Rome, the Commission must take a permanently proactive and interventionist stance in order to direct European integration and shape it in a particular way. By contrast, the political interests of many of the policy actors who

have been involved in the creation of the customs union and, more recently, the single European market, have been based on a monetarist outlook to life. Therefore, they have interpreted the role of the Commission differently, namely as an institution that facilitates free trade and, in so doing, gradually adopts a more and more backstage position vis-à-vis other policy-makers and in the light of economic and trade logic. Either cluster of political interests has been able to find support for its particular stance in the history and treaties of the EU. Consequently, competing subcultures have emerged. They have often manifested themselves most markedly among the attitudes and values of the personnel that work in the different Directorates-General in the Commission because these have direct responsibility for the drafting of policies. However, the influence on policy outcomes of the comparable subcultures that dominate some Directorates-General has been very disparate, because they have been exposed to different sets of competing cultural influences. Moreover, the policy-making structures in individual policy areas varied markedly and have distorted the influence of the subcultures. For example, with regard to social policy-making, the dominant policy interests, who have been at the heart of the decision-making centre, have challenged the subculture that is prevalent in DG V, and among some of its less influential 'clients', on numerous occasions. Consequently, social policy-making has had a distinct neo-pluralist flavour. In the area of agricultural policy-making, the interests who have been closest to the decision-making centre have, at least until recently, had similar cultural outlooks to the personnel in DG VI. This convergence of political influence and cultural values has led to policy output that differs qualitatively markedly from the output in the area of social policy in that it is far more dirigiste in nature.

The peculiarities of cultural scripts and the convergence or divergence of political interests are not the only reasons why policy-making in the EU is a varied process. As noted in Section 8.1., the major formal policy actors have very little democratic legitimacy and, hence, they have legitimised their work mostly on the basis of



*effective* policy-making. Therefore, they have been dependent on the constant advice and input from experts of all kinds. In addition, the growing importance of the EU in terms of policy output has provoked a range of informal political pressures that manifests itself mainly in the form of lobbying. Many of these lobbyists approach institutionalised policy actors, even if they have no technical expertise to offer and even if they are not specially invited to participate in the policy process. If necessary, they use a range of resources to enter the policy-process such as public opinion formation or temporary alliance building with more established policy-makers. Discussions in Chapter five confirmed that economic might is one of the most powerful resources in the EU, and in capitalist polities in general. Consequently, those who possess economic power have been able to get particularly close to the formal policy actors in the EU, with the effect that they have wielded considerable influence on policy outcomes, especially with regard to broad policy decisions. On some occasions, their influence has however been reduced by particular policy constellations and convergence of other interests, such as agricultural lobbies. Sometimes, the influence of economic interests has been lessened also because they have failed to use their potential to the full.

A variety of economic, technological, social and political developments inside and outside the EU can lead to unforeseen pressures and reinterpretations of existing cultural scripts which may filter through to the policy-making process. For example, the impact of US foreign policy, free trade negotiations within the GATT framework, the arrival of environmental pressure groups and the rejection of 'state growth' among some politicians from the late 1970s onwards have all indirectly impacted upon EU policy-making. The type and quantity of resources can also influence policy-making. For example, social policy in the EU has been largely regulatory and few laws passed have made serious inroads into the EU's own budget, largely because there is very little money available for costly policies. EU policy-makers have on the whole also been careful not to pass laws that are too

costly for national and sub-national governments or for individual business organisations. Bureaucrats and politicians alike knew that such laws would not be acceptable.

Evidently, there are a number of reasons why policy-making is not just characterised by formal procedures and interactions. Informal influences are largely responsible for the divergent policy patterns, both at sectoral and sub-sectoral levels. The findings in the thesis illustrate that differences can be quite marked, even where similar formal policy procedures apply. For example, social policy-making has never been (not even during the early years of social policy-making) as open to a large range of participating private interests as has environmental policy-making. The difference can largely be explained by the predominance of European employers who are the single most powerful private interest in the EU. Although they are very concerned about the repercussions of European environmental policy-making, too, control over social policy has been traditionally at the heart of their interests. Furthermore, private interests who are involved in social policy-making have been organised in a different way from those engrossed in environmental policy-making. During the early decades of this century it was assumed that the interests of employers and the interests of employees could be aggregated respectively without too many problems since the interests and concerns *inside* each group would be more or less the same. As a result, national as well as supra-national social policy-making has tended to structure itself in a quasi-neo-corporatist way, *at least superficially*. This form of institutionalisation has been marked within the EU and has made it quite difficult, at least until recently, for smaller groups representing particular interests to be at the heart of the social policy process. Nevertheless, the persistent and dedicated efforts of many smaller groups have begun to bear fruit, especially in recent years.

The findings in Chapter five indicate that the impact of informal influences has also created divergence between the ways in which policy structures manifest themselves

superficially and the true nature of these structures. Social policy-making exemplifies this point, too. The quasi-neo-corporatist mode of policy-making that evolved informally, due to social class divisions in European societies began to institutionalise and formalise itself to some extent during the past few decades, first in the form of concertation and tripartite conferences, more recently in the form of social dialogue. However, beneath the surface the aggregated interests of European employers continued to dominate those of the employees, with the result that social policy has been more marginalised than it should have been, had quasi-neo-corporatist structures been embedded more deeply.

This example also illustrates another phenomenon associated with policy-making. It is often extremely difficult to demarcate the boundaries between what constitutes formal and informal policy-influence. This problem arises partly from the tendency for informal influences to become institutionalised, particularly if they are not challenged. Sometimes this institutionalisation is eventually formalised, for example by referring to it in formal documents, including constitutional amendments and/or by setting up formal structures, such as those that characterise social dialogue in the EU.

Variety can be detected within the same policy sector, too, because resources can be distributed in a variety of ways. For example, with regard to some highly technical policy issues, the contribution made by a small number of private interests, who are regarded as experts, is not challenged by competitive interests. Therefore, the resources of the former are less diluted vis-à-vis those of the formal policy-makers. Consequently, the impact of the participating private interests on policy outcomes is likely to be higher than in cases where their resources are undermined by those of competing interests. Some of the findings in Chapter seven illustrate this point, namely the case of the coffee extract solvent directive which did not stimulate the interest of a large number of groups. By contrast, policies related to food colouring

are politically sensitive and attract widespread interest, with the result that more participants enter the policy process, so diluting individual resources. This case also indicates that the nature of individual policies directs the level of interest in particular policies among private policy actors, thereby shaping their behaviour and strategies and, subsequently, the structure and nature of particular policy clusters. The findings in this study illustrate that technical policy issues are less likely to cause widespread interest than politically, socially or ethically sensitive topics.

CECG's tendency to form temporary coalitions with other private interests, exemplifies that alliance building can also affect resource distribution and, hence, policy outcomes. Similarly, the manner in which private interests utilise, organise and manage their resources can modify their role in policy processes and, subsequently, policy outcomes. CIAA's successful reorganisation illustrates this point.

Certain secondary literature alleges that, in some political systems, informal policy actors make such marked contributions that they may wield more influence on policy outcomes than the formal policy-makers. A very small number of commentators have also expressed this view with regard to the EU, but the evidence presented and analysed here suggests otherwise. In other words, there is a clear distinction between the input by, and influence of, formal and informal policy participants in the European Union, with the former generally being in a much stronger position. Levels of relative influence vary however quite considerably, depending on the policy issue(s) in hand. Sometimes, informal influences are very powerful, as has been the case with European industrialists and the drive towards a single market; sometimes they have very little influence, indeed. For example, an MEP, who was questioned for this project, alleged that private interests had almost no influence over thermonuclear policy-making. Occasionally, the priorities of private and public policy actors converge to the extent that they form small like-minded coalitions,

thereby reciprocally enhancing one another's influence on policy outcomes. The CAP illustrates this point well. On rare occasions, policy-makers who hold a constitutional mandate, have delegated it willingly to private interests, thereby deliberately reinforcing their contribution in the policy process.. The case of product and service standardisation is the classical example of such delegated private interest government in respect of the EU.

Policy processes are also mediated by the informal behavioural aspects of formal policy-makers. In the case of the EU, internal divisions may affect the resource distribution and the ways in which it is exploited within policy networks. For example, occasionally, other policy-makers have been able to exploit the cultural, political and personal divisions between DG VI (Agriculture) and DG III (Internal Market and Industrial Affairs, especially the Directorate that is responsible for food policy) or the lack of communication and co-ordination between DG XI (Environment, Nuclear Safety and Civil Protection) and DG XVI (Regional Policy). Policy outcomes may also be affected by the nature of cross-institutional relations, such as in the case of environmental policy-making which has profited from good co-operation between DG XI and the EP's Environment, Public Health and Consumer Protection Standing Committee.

Although such informal influences can affect policy outcomes significantly, they pale away compared to the impact of the widespread trades off that take place in the Council of Ministers' decision-making rounds! This phenomenon probably distorts the formal policy processes more than anything else. This point is substantiated by evidence produced here, based on primary data gathered for this research project as well as by the findings discussed in many other studies on EU policy-making.

The last few paragraphs have underlined the extent to which informality influences policy outcomes and creates variety in EU policy-making. However, the research

project uncovered some common themes and trends, too. The tension between conflict and consensus is particularly noteworthy. Many policy issues in the EU are characterised by internal cleavages and conflicts of interest, even if, at first sight, there seems little to argue about. Conflict is often intensified because policies have to be acceptable to a large number of peoples and to the member states' governments whose interests are often egotistical. Moreover, a comparatively large number of policy actors tend to be involved in policy-making, because the European Union is more open than most other political systems, despite its elitist culture and the many practical and political obstacles that make access more difficult. In view of these aspects of EU policy-making, it is all the more surprising that there is a genuine and widespread commitment to reach consensus and to produce workable policies. In many instances, agreement can be reached and policies are often acceptable, if not necessarily perfect. Indeed, sometimes they show all the stereotypical weaknesses of watered-down compromises. In the case of the CAP, this has produced grotesque and unworkable policies. Moreover, the example of the chocolate directive shows that consensus, and hence, policy output cannot always be achieved. However, on the whole, consensus of some kind can be reached.

There are two major reasons that explain the endeavours to create consensus whenever possible. First, the vast majority of politicians and officials are committed to the survival of the EU, in whatever form, and they realise that constant lack of consensus is detrimental to that commitment. Second, and most importantly, consensus can be achieved because of the opportunity to strike package bargain deals during the various consultation stages, but especially in the Council of Ministers. Without this resource, successful policy-making in the Community would become virtually impossible, because the parameters within which consensus is negotiated would be too narrow. This point neatly illustrates how actors and structures interact in policy processes in order to produce specific outcomes. The structural arrangements in the Council of Ministers safeguard the opportunity to

strike secret package deals which could never be achieved, if they had to be negotiated in an open legislature. Yet, these structures have been put into place deliberately by policy actors who knew, instinctively or consciously, that such bargaining 'outlets' would have to exist, if the Community was to survive. Furthermore, subsequent generations of policy-makers have exploited the potential of these structures to the full and have to date successfully evaded all pressures to change them, despite much rhetoric about more openness in the CoM.

Commentators often highlight the bureaucratic and/or technocratic nature of the EU, thereby implying, or overtly stressing, its apolitical nature and the predominance of European officials, national civil servants and unelected technocrats in the policy process. Chapters four, five and seven have indicated that, up to a certain point, their analysis is sustainable. However, in-depth analysis reveals that European policy-making remains an intensely political activity. There is no doubt that technical considerations cannot, and are not, simply ignored, particularly if disregard would lead to unworkable policies. However, a surprising number of EU policies are characterised by uncertainty with regard to their technical or scientific merits, thus lending themselves to political squabbling. Moreover, the evidence produced here, suggests that even unambiguous technical and scientific issues are routinely mediated by political priorities.

These conclusions rightly portray the European Union as an intensely political organisation where bargaining is widespread, complex and varied. Therefore, it could be argued that the reservations about neo-realist interpretations of the nature of the EU raised in Chapter three are inappropriate, since neo-realists emphasise bargaining as the major form of political exchange. Given that many key politicians and officials in the EU continue to act primarily in accordance with national self-interest, the EU could be depicted furthermore as intergovernmentalist, since intergovernmentalism is a subcategory of neo-realism which emphasises the extent

to which bargaining is driven by political and cultural nationalism. There are indeed strong neo-realist and intergovernmental undercurrents in the EU, but claims that the EU *is* neo-realist and/or intergovernmentalist underestimate its complexity and variety and have two related weaknesses: they oversimplify the concept of bargaining and they ignore the relevance of the many influences which mediate political bargaining, so attenuating its impact.

Politicians may well have political priorities and electoral considerations in mind, when engaging in bargaining, but they are also guided by other factors, such as economic rationality, technical information, pressures from officials and private interests, cultural affinities and, occasionally, by empathy and altruism or by ideological visions. Furthermore, they are constrained by structural elements, like the constitutional role of the EP or the institutionalisation of certain procedures, including the comparative autonomy of the higher echelons of the permanent representatives based in Brussels. Contextual pressures and developments, like the growing global interdependence of economics and markets, are also likely to harness their freedom to bargain. Finally, the preferences of politicians need not always be based on national self-interest, although it is tempting for them to speak on behalf of the particular nation state that they represent, given that the electorate of this nation state will ultimately determine their fate. Yet, whatever their attitudes, they are locked into an interdependent system of policy-making which is characterised by a certain cultural and, especially, structural supranationalism (for example in the form of the supremacy of EU law). Hence, national interest cannot reign supremely.

It is evident that the nature of the EU is dynamic and multifarious, with many tensions, even contradictions. The combined study of the constitutional and institutional framework and the policy process go a long way in uncovering many aspects of this nature, particularly if examination takes place at the general level as well as by way of a detailed case study. However, these studies mainly describe the



various characteristics; they do not explain why the EU and its policy process functions in particular ways, and not in others. It is therefore necessary to place them within some kind of conceptual framework that facilitates analysis. As indicated variously, it was one of the major aims of the thesis to search for such a framework (see Section 1.4, aim 3).

### 8.3. From Analysis to Synthesis: Constructing a Workable Analytical Framework for the Study of Policy-Making in the European Union

It has been established in the thesis that multi-level analysis is necessary in order to examine political systems as constructively as possible. In the first instance, it is necessary to look at the micro-level, that is exchanges between individuals and the ways in which these affect sub-systemic and systemic structures. Next, the nature of sub-systems and the interactive relationship between these and systemic structures should be explored because, as demonstrated here (especially in Chapters four and five) and elsewhere, there is so much systemic variety that it would be inappropriate to ignore the make-up of sub-systems. Finally, some thought must be given to the overall nature of a political system, including the role of overarching structures and established cultural scripts. Policy analysts usually refer to this multi-layer approach as micro- meso- and macro-level analysis respectively.

In the thesis, all three levels have been taken into account but, for reasons of manageability, the main focus has been on the meso-level and a specific meso-level framework, which makes it feasible to study EU sub-systems, has been developed, based on policy networks analysis. The well-known Rhodes-Marsh model of PNA has been adjusted in order to accommodate the special structures and ‘rules of the game’ of the European Union. As elaborated variously, the European Union displays aspects of intergovernmentalism as well as supranationalism and is therefore neither

an international organisation nor a fully integrated polity. This hybrid nature is the EU's most marked characteristic and needs to be taken into account at all levels of analysis. Therefore, this characteristic has had to be incorporated into PNA which has traditionally served as a conceptual framework for the analysis of fully integrated state systems. A brief synopsis of the ways in which this adaptation has developed is provided below.

The discussions in Chapter 6 confirmed that it is possible to draw upon the work of IR scholars in order to adjust conventional PNA to suit the needs of EU structures. IR scholars usually emphasise the significance of political bargaining and it has been illustrated that intense bargaining - between individuals as well as organisations and government agencies, and across policy sectors - is the very essence of EU policy-making. However, the work of scholars who are concerned with actor-structure relationships confirms that free-wheeling bargaining is mediated significantly by established structures and institutions such as the curious mix of intergovernmentalism and supranationalism in the EU. Consequently, theories of bargaining must be embedded in an appropriate context concerned with the actor-structure relationship. In the case of the EU, several approaches from both IR and political science, have proved particularly valuable, namely institutionalism, statism, pluralism, domestic politics and linkage politics. Although some students of EU politics have overestimated the role of institutions in general and government agencies in particular, it is nonetheless possible to make sense of such phenomena as the relative autonomy of formal policy-makers vis-à-vis private interests (despite their salience), incrementalist policy-making, bureaucratic and technocratic elements of policy-making, culturally based 'rule of the game' by reference to institutionalist, statist and (broadly speaking) pluralist conceptualisations of the policy process. However, these are too general to suffice in their own right in relation to the analysis of the EU. Thus, more specific frameworks need to be superimposed, namely the notions of domestic and linkage politics. The former emphasises that any sense-

making process in relation to the EU needs to take account of the ways in which the politics of individual member states shape policy-making in the EU. The latter underlines that it is necessary to look at the interactive relationship between domestic and international politics. Putnam used these concepts in order to develop a fairly differentiated multi-level games framework in the context of international political key bargaining situations. Chapter 6 elaborated on the way in which Putnam's basic principles could be deconstructed so as to be applied to the multi-level games of bargaining that take place between 'entities' within EU sub-systems. These principles can then be superimposed onto an extended version of the Rhodes-Marsh model of PNA which has an added variable so as to create a typology for levels of territorial representation, that is sub-national, national, supranational. The outcome is a complex, yet suitably differentiated basic framework for meso-level analysis, that combines the major merit of PNA, which is its emphasis on resource dependence as a means of demarcating sub-systems, with the benefits of multi-level games analysis. The discussions in Chapter 6 and the empirical data in Chapter 7 illustrate that further improvements to PNA, based on the Rhodes-Marsh model, can be made by distinguishing between core and periphery structures and by refining, where appropriate, existing terminology. Furthermore, empirical data, presented here and elsewhere in PNA-based case studies, suggest that policy networks are dynamic organisms whose nature can change over time for a variety of reasons. Thus, ideally, the exploration of policy networks should have a longitudinal aspects. For reasons of manageability, this aspect has been addressed tangentially only in the thesis.

The above, adjusted version of PNA is a satisfactory starting point for meso-level analysis of EU politics, although it is obviously in need of further refinement, clarification (for example with regard to defining the concept of resource dependence) and testing. The model enables the analyst to organise and categorise empirical data and, to some extent, to test the validity of existing theories and

approaches to the study of complex political sub-systems. However, the expanded policy networks model is suitable for meso-level analysis only and must, therefore, be embedded in broader macro-level analysis. Similarly, the behaviour of policy agents, acting as individuals, needs to be analysed since it shapes the exchanges between government agencies and other sub-systemic agents and structures. As noted in the main body of the thesis, there are a number of useful micro-level approaches that need to be taken into account, including rational choice, political bargaining and belief congruence theories. However, none of these is satisfactory in its own right.

This study has produced a wealth of data on policy-making in the EU and it has demonstrated that the data are best analysed within an expanded and refined form of policy networks analysis. In addition, the project has made certain recommendations as to how policy networks analysis could be developed further. Hopefully, these recommendations are thought provoking.

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## **APPENDIX I**

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School of Business

Oxford, February 1991

Dear

ARE YOU INTERESTED IN  
A UNIQUE, COMPARATIVE, ACADEMICALLY SOUND REPORT  
ABOUT  
THE EFFECTS OF THE SINGLE EUROPEAN MARKET  
ON THE FOOD INDUSTRY

ARE YOU EVEN PREPARED TO SACRIFICE 30 TO 40 MINUTES OF YOUR  
VALUABLE TIME FOR SUCH A REPORT?

IF SO, PLEASE READ THE BACKGROUND INFORMATION BELOW AND THEN  
PROCEED TO

COMPLETE THE ATTACHED QUESTIONNAIRE.

Background Information:

The above mentioned questionnaire forms the central part of my doctoral project which explores the effects of the Single European Market on the Food Industry. The project is comparative, with data from the UK, France and West Germany. It is a totally independent, academic study and is without any political bias or commercial intentions. As you can see from the attached letters, my project enjoys the passive support of important international organisations.



Provided that response is adequate, the questionnaires will supply a wealth of statistically relevant, cross-national information on the Single European Market and the Food Industry. I will process and evaluate this information through the use of a variety of widely recognized methods of quantitative analysis. The end result will be the above mentioned report . I am convinced that this report will contain so much relevant, up to date information that it should be read by any food industrialist who is anxious to profit from the creation of the Single European Market. Indeed, given the general lack to date of detailed, cross-national information on this topic, the report will be all the more useful. If you complete the attached questionnaire, you will have access to this report.

All the information from the questionnaires will be used for *statistical purposes* only and will be treated in strictest confidence. No names will be mentioned without prior written consent, and confidentiality will be upheld throughout the project and beyond. Consequently, it will not be possible for me to release any unprocessed data!

I hope very much that you can demonstrate your interest in, and support for this project by giving approximately 30 to 40 mins of your valuable time. Certainly, I shall be most grateful if you complete the questionnaire and send it to the above address as soon as possible, and preferably no later than Easter 1991.

The questionnaire is preceded by some guidance as to how it may best be completed, but please do not hesitate to contact me at any time, either at the above address, or at my home (0604 36921), should you have any further queries regarding the project in general or the questionnaire in particular.

Yours sincerely,

Brigitte Boyce  
BA (Hons)

encl.



Central Marketing  
Organization of  
German  
Agricultural Industries  
CMA

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TO WHOM IT MAY CONCERN

This is to confirm that we give Brigitte Boyce our fullest official support for her PhD project entitled 'THE EFFECTS OF THE SINGLE EUROPEAN MARKET ON THE FOOD INDUSTRY'.

We believe this is a very topical and worthwhile research project and she deserves to be supported.

Kurt Bettin

DIRECTOR

5 July 1990

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John S. N. Drew  
Head of the United Kingdom Offices

PFD/mj

15 June 1990

TO WHOM IT MAY CONCERN

Brigitte Boyce is undertaking her doctoral research on *The effects of the Single European Market on the Food Industry*. While all areas of economic activity will be radically influenced by the 1992 process, the food industry will certainly be one of the most affected. Indeed, since the United Kingdom joined the European Community enormous changes have occurred in the flows of trade in the food industry. To assist her research, Brigitte Boyce has compiled an interesting questionnaire which we hope you will have the time to complete.

John Drew

\*\*\*\*\*

## QUESTIONNAIRE

\*\*\*\*\*

### THE SINGLE EUROPEAN MARKET AND THE FOOD INDUSTRY

\*\*\*\*\*

#### GUIDANCE:

1. *WHEN COMPLETING THE QUESTIONNAIRE, PLEASE ATTEMPT ALL QUESTIONS AND CIRCLE AS MANY OPTIONS AS APPROPRIATE.*
2. *A SMALL NUMBER OF QUESTIONS REQUIRE A VERY SHORT WRITTEN STATEMENT AND THE MAJORITY OF QUESTIONS INVITE YOU TO PROVIDE FURTHER DETAILS/ EXPLANATIONS AS APPROPRIATE.*
3. *ALL GUIDING COMMENTS ARE IN ITALICS AND IN CAPITAL LETTERS; THE QUESTIONS THEMSELVES ARE KEPT IN NORMAL SCRIPT.*
4. *IN THIS DOCUMENT 'SEM' MEANS 'SINGLE EUROPEAN MARKET'; THE TERM 'FOOD' IS USED BROADLY AND COVERS ALL FOODS, DRINKS AND FOOD ADDITIVES, INCLUDING ANIMAL FEEDS. THE QUESTIONNAIRE CONCENTRATES ON FOOD MANUFACTURE, FOOD DISTRIBUTION AND FOOD WHOLESALE, RATHER THAN ON THE FOOD RETAIL TRADE. NEVERTHELESS, IF YOU ARE A FOOD RETAILER, PLEASE STILL COMPLETE THE QUESTIONNAIRE AS YOUR INFORMATION WILL BE OF EQUAL VALUE TO THIS PROJECT.*
5. *IF YOU ARE NOT AN INDEPENDENT ORGANISATION... PLEASE ANSWER QUESTIONS WITH RESPECT TO YOUR IMMEDIATE ORGANISATION ONLY, BUT STATE AT THE END OF THE QUESTIONNAIRE WHETHER OR NOT YOUR DEPENDENT STATUS HAS AFFECTED YOUR ATTITUDE TOWARDS THE SINGLE EUROPEAN MARKET.*

\*\*\*\*\*

**YOUR EFFORTS ARE GREATLY APPRECIATED.**

\*\*\*\*\*

1. In your view, what effect has the creation of the SEM on EC business organisations?

.....

.....

2. With regard to the creation of the SEM, will the United Kingdom in your view

- |  |   |
|--|---|
| a) gain/lose* to the same extent as other EC countries?    | 1 |
| b) gain/lose* to a greater extent than other EC countries? | 2 |
| c) gain/lose* to a lesser extent than other EC countries?  | 3 |
| d) it is not possible to make such general comparisons     | 4 |
| e) undecided   | 5 |
| f) other (PLEASE SPECIFY BELOW)                            | 6 |

\* PLEASE DELETE AS APPROPRIATE

.....

3. With regard to the creation of the SEM, will the food industry in your view

- |  |   |
|--|---|
| a) gain/lose* to the same extent as other EC countries?    | 1 |
| b) gain/lose* to a greater extent than other EC countries? | 2 |
| c) gain/lose* to a lesser extent than other EC countries?  | 3 |
| d) it is not possible to make such general comparisons     | 4 |
| e) undecided   | 5 |
| f) other (PLEASE SPECIFY BELOW)                            | 6 |

\* PLEASE DELETE AS APPROPRIATE

.....

4. With regard to the creation of the SEM, will your own organisation...

- |  |   |
|--|---|
| a) gain/lose* to the same extent as other EC countries?    | 1 |
| b) gain/lose* to a greater extent than other EC countries? | 2 |
| c) gain/lose* to a lesser extent than other EC countries?  | 3 |
| d) it is not possible to make such general comparisons     | 4 |
| e) undecided   | 5 |
| f) other ( <i>PLEASE SPECIFY BELOW</i> )                   | 6 |

\* *PLEASE DELETE AS APPROPRIATE*

.....

5. In your organisation, which of the following areas are/will be particularly affected by the creation of the SEM?

*IF RELEVANT, PLEASE GIVE SOME DETAILS BELOW.*

- |   |    |
|---|----|
| a) product development and research                   | 1  |
| b) production   | 2  |
| c) distribution and transport                         | 3  |
| d) advertising  | 4  |
| e) marketing  | 5  |
| f) purchasing   | 6  |
| g) sales  | 7  |
| h) personnel: recruitment, staffing, conditions, etc. | 8  |
| i) personnel: internal training policy                | 9  |
| j) finance  | 10 |
| k) organisational culture                             | 11 |
| l) decision-making process                            | 12 |
| m) central policy-making and strategic planning       | 13 |
| n) organisational culture                             | 14 |
| o) other areas ( <i>PLEASE SPECIFY BELOW</i> )        | 15 |

.....

.....

6. In your opinion, will the creation of the SEM change the overall character of your organisation?

*PLEASE USE THE SPACE PROVIDED BELOW TO EXPLAIN YOUR CHOICE.*

- |  |   |
|--|---|
| a) yes, fundamentally                    | 1 |
| b) yes, but only superficially           | 2 |
| c) no                                    | 3 |
| d) other ( <i>PLEASE SPECIFY BELOW</i> ) | 4 |

.....

7. From which of the following sources of information has your organisation to date received information (written, verbal, audio-visual, etc.) relating to the SEM ?

*WHERE APPROPRIATE, PLEASE ALSO CIRCLE*

*H = HELPFUL OR U = UNHELPFUL OR N = NOT READ/STUDIED*

- |  |    |   |   |   |
|--|----|---|---|---|
| a) EC institutions (Commission, Council, Parliament) | 1  | H | U | N |
| b) Central and/ or local government                  | 2  | H | U | N |
| c) Food and Drink Federation                         | 3  | H | U | N |
| d) CBI   | 4  | H | U | N |
| e) Other trade association(s)                        | 5  | H | U | N |
| f) Chamber of Commerce                               | 6  | H | U | N |
| g) Trade Union(s)                                    | 7  | H | U | N |
| h) Political Party/Parties                           | 8  | H | U | N |
| i) British broadcast media                           | 9  | H | U | N |
| j) EC (excl. UK) broadcast media                     | 10 | H | U | N |
| k) British print media                               | 11 | H | U | N |
| l) EC (excl. UK) print media                         | 12 | H | U | N |
| m) journal(s), etc. related to the Food Industry     | 13 | H | U | N |
| n) other ( <i>PLEASE SPECIFY BELOW</i> )             | 14 | H | U | N |

.....

.....

8. In your opinion, is there much informal exchange of information and/or informal talk about the SEM within your organisation?

- |                                 |   |
|---------------------------------|---|
| a) yes                          | 1 |
| b) no                           | 2 |
| c) impossible to tell           | 3 |
| d) other (PLEASE SPECIFY BELOW) | 4 |

.....

9. In your opinion, which of the following countries has been preparing particularly well for the SEM?

*IF POSSIBLE, PLEASE EXPLAIN YOUR CHOICE BRIEFLY BELOW.*

- |                                 |    |
|---------------------------------|----|
| a) Belgium                      | 1  |
| b) Denmark                      | 2  |
| c) Federal Republic of Germany  | 3  |
| d) France                       | 4  |
| e) Greece                       | 5  |
| f) Ireland                      | 6  |
| g) Italy                        | 7  |
| h) Luxembourg                   | 8  |
| i) Netherlands                  | 9  |
| j) Portugal                     | 10 |
| k) Spain                        | 11 |
| l) United Kingdom               | 12 |
| m) all EC countries             | 13 |
| n) none                         | 14 |
| o) impossible to tell           | 15 |
| p) other (PLEASE SPECIFY BELOW) | 16 |

.....

.....



10. PLEASE LIST ALL SECTORS OF INDUSTRY WHICH HAVE IN YOUR OPINION BEEN PREPARING PARTICULARLY EFFECTIVELY FOR THE SEM. IF POSSIBLE, GIVE A BRIEF EXPLANATION FOR YOUR CHOICE.

.....

.....

11. Would you say that on the whole the preparation for the SEM has become one of the priority areas within your organisation?

- |                                 |   |
|---------------------------------|---|
| a) yes                          | 1 |
| b) no                           | 2 |
| c) undecided                    | 3 |
| d) other (PLEASE SPECIFY BELOW) | 4 |

.....

12. In your organisation, who (position in organisation) is formally/informally\* responsible for matters related to the SEM?

\* DELETE AS APPROPRIATE.

.....

.....

13. Approximately what proportion of time does/do the responsible (formally or informally) individual(s) spend on matters related directly to the SEM?

- |  |   |
|--|---|
| a) 1 to 10%                              | 1 |
| b) 11 to 25%                             | 2 |
| c) 26 to 50%                             | 3 |
| d) 51 to 75%                             | 4 |
| e) 76 to 100%                            | 5 |
| f) impossible to tell                    | 6 |
| g) not applicable                        | 7 |
| h) other ( <i>PLEASE SPECIFY BELOW</i> ) | 8 |

.....

14. With regard to the SEM, does your company

- |  |   |
|--|---|
| a) have an official, comprehensive action plan?                    | 1 |
| b) have an official, but limited action plan?                      | 2 |
| c) have official, general guidelines?                              | 3 |
| d) have unofficial, general guidelines?                            | 4 |
| e) intend to create an official action plan?                       | 5 |
| f) have neither unofficial nor official guidelines or action plans | 6 |
| g) this information is confidential                                | 7 |
| h) other ( <i>PLEASE SPECIFY BELOW</i> )                           | 9 |

.....

---

*IF YOU HAVE ANSWERED 'f' OR 'g', GO DIRECTLY TO QUESTION 16.*

---

15. Which of the following areas are/ will be addressed in your action plan/ guide-lines?

- |   |    |
|---|----|
| a) product development and research                   | 1  |
| b) production   | 2  |
| c) distribution and transport                         | 3  |
| d) advertising  | 4  |
| e) marketing  | 5  |
| f) purchasing   | 6  |
| g) sales  | 7  |
| h) personnel: recruitment, staffing, conditions, etc. | 8  |
| i) personnel: internal training policy                | 9  |
| j) finance  | 10 |
| k) organisational culture                             | 11 |
| l) decision-making process                            | 12 |
| m) central policy-making and strategic planning       | 13 |
| n) organisational culture                             | 14 |
| o) other areas ( <i>PLEASE SPECIFY BELOW</i> )        | 15 |

*PLEASE GIVE FURTHER DETAILS WHERE APPROPRIATE; ESPECIALLY IF YOUR ORGANISATION IS INVOLVED IN A LANGUAGE TRAINING PROGRAMME. SPACE IS PROVIDED BELOW.*

.....

.....

16. Has your organisation joined any association, club etc. (E.g. a '1992' club) which is exclusively concerned with the SEM?

- |   |   |
|---|---|
| a) yes ( <i>PLEASE SPECIFY ORGANISATION/S BELOW</i> ) | 1 |
| b) no   | 2 |
| c) no, but it intends to do so in the near future     | 3 |
| d) this is confidential information                   | 4 |
| g) other ( <i>PLEASE SPECIFY BELOW</i> )              | 5 |

.....

17. (I)  
With regard to the SEM, has your company to date asked any of the following for advice?

WHERE APPROPRIATE, PLEASE CIRCLE ONE OF THESE TWO OPTIONS.

H = THE INFORMATION IS/WAS HELPFUL

N = THE INFORMATION IS/WAS NOT HELPFUL

a) EC institution(s)	1	H	N
b) Central and/or local government	2	H	N
c) Food and Drink Federation	3	H	N
d) CBI	4	H	N
e) Other trade association(s)	5	H	N
f) Chamber(s) of Commerce and Industry	6	H	N
g) Financial consultant(s)	7	H	N
h) Legal consultant(s)	8	H	N
i) other consultancy firms (SPECIFY BELOW PLEASE)	9	H	N
j) this is confidential information	10	H	N
k) don't know	11	H	N
l) other (SPECIFY BELOW PLEASE)	12	H	N

- .....
17. (ii)  
Which of the above sources have you regularly asked for business advice before the Single European Act came into force in 1987?
- .....
- .....

17. (iii)  
Have you tended to ask the sources listed under 17 (ii) for general business advice or for advice related particularly to EC matters?
- .....

18. Do you or your colleagues visit conferences, seminars, exhibitions, etc. on the SEM?

- |  |   |
|--|---|
| a) yes, regularly                        | 1 |
| b) yes, occasionally                     | 2 |
| c) yes, but only very rarely             | 3 |
| d) not so far, but perhaps in the future | 4 |
| e) no                                    | 5 |
| f) other ( <i>SPECIFY BELOW PLEASE</i> ) | 6 |

.....

19. In your opinion, should food industrialists undertake any specific, sector-related actions concerned with the SEM?

- |  |   |
|--|---|
| a) yes ( <i>SPECIFY BELOW PLEASE</i> )   | 1 |
| b) no                                    | 2 |
| c) other ( <i>SPECIFY BELOW PLEASE</i> ) | 3 |

.....

.....

20. In your opinion, how well prepared is your organisation at present for the SEM?

*IF POSSIBLE, BRIEFLY EXPLAIN/JUSTIFY YOUR CHOICE.*

- |  |   |
|--|---|
| a) very well                             | 1 |
| b) fairly well                           | 2 |
| c) not very well                         | 3 |
| d) not at all prepared                   | 4 |
| e) there is no need for preparation      | 5 |
| f) not sure                              | 6 |
| g) confidential information              | 7 |
| h) other ( <i>SPECIFY BELOW PLEASE</i> ) | 8 |

.....

21.	Is somebody in your organisation familiar with the majority of EC directives on food and drink?	
	a) yes	1
	b) yes, but only very vaguely/ superficially	2
	c) only with a few specific directives that concern our organisation specifically	3
	d) no	4
	e) other ( <i>SPECIFY BELOW PLEASE</i> )	5
.....		
.....		

22.	"The SEM can only function effectively and successfully if EC directives and laws take clear precedence over national directives and laws."	
	With regard to the above statement, do you	
	a) agree entirely	1
	b) agree partially	2
	c) disagree	3
	d) not sure	4
	e) other ( <i>SPECIFY BELOW PLEASE</i> )	5
 <i>IF RELEVANT, EXPLAIN YOUR CHOICE BRIEFLY BELOW.</i>		
.....		
.....		

23. Concerning matters related to the SEM, has your organisation ever directly lobbied any of the following institutions?

LOBBYING: ATTEMPTING TO INFLUENCE THE POLICY-MAKING PROCESS.

*IF POSSIBLE, BRIEFLY OUTLINE RELEVANT LOBBYING ACTIVITIES IN THE SPACE PROVIDED.*

- |  |    |
|--|----|
| a) EC Commission                         | 1  |
| b) EC Council of Ministers               | 2  |
| c) EC Parliament                         | 3  |
| d) UK Central Government                 | 4  |
| e) UK Local Government                   | 5  |
| f) UK Parliament                         | 6  |
| g) UK Political Party/ Parties           | 7  |
| h) EC Government(s) other than UK        | 8  |
| i) not sure                              | 9  |
| j) this information is confidential      | 10 |
| k) other ( <i>SPECIFY BELOW PLEASE</i> ) | 11 |
- .....

24. In your opinion, can an individual organisation, such as yours, effectively influence EC policy-making?

*WHERE APPROPRIATE, PLEASE BRIEFLY EXPLAIN YOUR CHOICE(S).*

- |   |    |
|---|----|
| a) yes  | 1  |
| b) yes, but only through an organised interest group      | 2  |
| c) yes, but only to a very limited extent                 | 3  |
| d) only some business organisations are able to influence | 4  |
| e) only certain EC policies can be influenced             | 5  |
| f) only certain EC institutions can be influenced         | 6  |
| g) no   | 7  |
| h) it is not possible to generalise                       | 8  |
| i) it is impossible to tell for an outsider               | 9  |
| k) other ( <i>SPECIFY BELOW PLEASE</i> )                  | 10 |
- .....

\*\*\*\*\*

THE FOLLOWING FOUR QUESTIONS CONCERN EXPORT AND IMPORT ORIENTATIONS.  
PLEASE ANSWER THESE QUESTIONS WITH RESPECT TO FOOD, DRINK AND FOOD  
ADDITIVES ONLY, EVEN IF YOUR ORGANISATION TRADES ALSO IN NON-FOOD  
PRODUCTS.

\*\*\*\*\*

25. Is business in your organisation conducted

- |  |   |
|--|---|
| a) exclusively within the UK? * (SEE BELOW)                        | 1 |
| b) within the UK and among other EC countries? <sup>1</sup>        | 2 |
| c) within the UK and among non-EC countries? <sup>1</sup>          | 3 |
| d) within the UK, among EC and among non-EC countries <sup>1</sup> | 4 |
| e) other (SPECIFY BELOW PLEASE)                                    | 5 |

<sup>1</sup> PLEASE SPECIFY RELEVANT COUNTRIES.

.....

.....

\* (25a):

IF YOU HAVE CIRCLED \*, PLEASE STATE WHETHER OR NOT YOUR ORGANISATION  
HAS ANY INTENTION OF ENTERING BUSINESS WITH EC COUNTRIES OTHER THAN THE  
UK.

IF SO, PLEASE OUTLINE YOUR PLANS BRIEFLY BELOW.  
SUBSEQUENTLY PROCEED DIRECTLY TO QUESTION 29.

.....

.....



26. What percentage of your turnover stems from business conducted within EC countries other than the UK?

- |  |   |
|--|---|
| a) 1 to 10%                              | 1 |
| b) 11 to 25%                             | 2 |
| c) 26 to 50%                             | 3 |
| d) 51 to 75%                             | 4 |
| e) 76 to 100%                            | 5 |
| f) this information is confidential      | 6 |
| g) other ( <i>SPECIFY BELOW PLEASE</i> ) | 7 |

.....

27. On balance, does business conducted with EC countries (other than the UK) concentrate on

- |  |   |
|--|---|
| a) exports*  | 1 |
| b) imports*  | 2 |
| c) exports and imports ( <i>PLEASE STATE PROPORTIONS</i> )*                      | 3 |
| d) subsidiaries situated in EC countries (not UK)*                               | 4 |
| e) headquarters situated in EC countries (not UK)*                               | 5 |
| f) joint venture(s) with an organisation/ with organisations elsewhere in the EC | 6 |
| g) this information is confidential  | 7 |
| h) other ( <i>SPECIFY BELOW PLEASE</i> )   | 9 |

\* *PLEASE SPECIFY COUNTRIES.*

.....

.....

28. Has your organisation increased activities with EC countries (not UK) since the ratification of the Single European Act (1987)?

- |  |   |
|--|---|
| a) yes, exports*   | 1 |
| b) yes, imports*   | 2 |
| c) yes, joint ventures*                                  | 3 |
| d) yes, (additional) subsidiaries have been established* | 4 |
| e) no  | 5 |
| f) not so far, but further activities are planned*       | 6 |
| g) this information is confidential                      | 7 |
| h) not sure  | 8 |
| i) other ( <i>SPECIFY BELOW PLEASE</i> )                 | 9 |

*\*PLEASE SPECIFY COUNTRIES*

.....

.....

29. *PLEASE STATE YOUR FULL COMPANY NAME:*

.....

30. *PLEASE STATE YOUR EXACT JOB TITLE(S):*

.....

31. PLEASE INDICATE THE EXACT LEGAL FORM (Plc., Ltd., ETC.) AND THE EXACT NATURE OF YOUR ORGANISATION (INDEPENDENT, FRANCHISE, HEADQUARTERS, SUBSIDIARY, MULTINATIONAL, ETC.)

.....

.....

32. (i)  
Are you a

- |  |   |
|--|---|
| a) food manufacturer and/or producer                                       | 1 |
| b) food distributor and/or wholesaler                                      | 2 |
| c) food retailer   | 3 |
| d) food manufacturer/producer & food distributor/wholesaler                | 4 |
| e) food manufacturer/producer & food retailer                              | 5 |
| f) food distributor/wholesaler & food retailer                             | 6 |
| g) food manufacturer/producer, food distributor/wholesaler & food retailer | 7 |
| h) other (SPECIFY BELOW PLEASE)  | 8 |

.....

32. (ii)  
PLEASE BRIEFLY LIST THE MAIN PRODUCT CATEGORIES (E.G. MEAT, FROZEN FOODS, ETC.) WITH WHICH YOU ARE DEALING AND, IF POSSIBLE, PLEASE STATE THE PERCENTAGE OF THE TOTAL TURNOVER FOR EACH CATEGORY.

.....

.....

33. Does your organisation also produce and/or trade in non-food product lines?

- |  |   |
|--|---|
| a) yes ( <i>PLEASE SPECIFY PRODUCT LINES AND PROPORTIONS BELOW</i> ) | 1 |
| b) no  | 2 |
| c) other ( <i>SPECIFY BELOW PLEASE</i> )                             | 3 |

.....

.....

34. Approximately how many staff does your organisation at present employ?

.....

35. What is your approximate annual turnover?

.....

36. When was your organisation founded?

.....

37. Are you interested in receiving more information about the report introduced in the attached letter as soon as this is feasible?

- a) yes
- b) no

1  
2

.....

.....

.....

38. Would you be prepared to give me the opportunity to carry out approximately 2-3 weeks of organisational research in your organisation in return for more information on the food industry and the SEM and in return for free language tuition in French and/or German for the staff during the period of my presence in the organisation?

- a) yes
- b) no

1  
2

.....

.....

.....

39. PLEASE USE THE SPACE PROVIDED BELOW TO MAKE ANY ADDITIONAL COMMENTS ABOUT THE EFFECTS OF THE SINGLE EUROPEAN MARKET ON YOUR ORGANISATION AND/OR ON THE FOOD INDUSTRY AND/OR ON THE UK, THE EC, EUROPE IN GENERAL, ETC.

.....

.....

.....

.....

.....

**ALL INFORMATION IN THIS QUESTIONNAIRE WILL BE TREATED**  
**IN STRICTEST CONFIDENCE.**

\*\*\*\*\*

**THANK YOU VERY MUCH FOR YOUR EFFORTS!**

**YOU HAVE BEEN EXTREMELY HELPFUL.**

\*\*\*\*\*

Gpsy Lane Headington Oxford OX3 0BP  
Telex G83147 VIA Fax 0865 819073  
Switchboard (0865) 741111  
Direct line (0865) 819700



School of Business

Oxford, January 1991

Dear *Sir/Madam,*

A few weeks ago I sent you a questionnaire, entitled 'The effects of the Single European Market on the Food Industry', together with some supportive and explanatory material. The latter outlined my research project and highlighted both the importance and the great potential of this project. At the same time I stressed that my project could only be successful with *your* help, as it depends entirely on first hand data from within the food industry. I also emphasized in my initial communication that you could greatly *profit* from the successful completion of my project in that you would gain easy access to a wealth of new and valuable information about the preparations of the food industry for '1992', presented clearly and concisely in report-form.

In my first letter to you I encouraged you to complete and return said questionnaire by the end of 1990. This deadline was of course not binding, and your completion of my questionnaire will still be of immense value, no matter when you can find the time to complete it. May I also assure you again at this point that all data will be treated in strictest confidence.

Please do not hesitate to contact me if you have any further queries, and please let me know if you are in need of another copy of said questionnaire.

Thank you very much for your kind and greatly valued contribution to my research project.

Yours

A handwritten signature in cursive script, appearing to read "P.P. Boyce".

Brigitte Boyce  
BA (Hons)

Oxford, 4 March 1991

Dear

I would like to thank you very much for completing my questionnaire, entitled 'The Single European Market and the Food Industry'. Your co-operation and your comments have been extremely useful and very interesting. I am also very grateful for your offer to possibly carry out further research in your organisation. At present I am working out a suitable framework for such a study. Once this has been established, I will permit myself to approach you again regarding the on site research. Due to various reasons, including my own teaching commitments, I would hope to carry out the research somewhere between June/July and September 1991.

Yours sincerely,

Brigitte Boyce



## **APPENDIX I**

# **CRITICAL DISCUSSION OF THE MAIL SURVEY ON**

## **THE PERCEPTION OF AND RESPONSE TO THE**

### **SINGLE EUROPEAN MARKET**

#### **1. Introduction**

The design and delivery of this mail survey has to be evaluated in the context of the changing focus of the original research project. The survey aimed to produce data that would form the basis of an analysis of strategic responses to an intense environmental upheaval for business organisations - the early focal point of this study (MPhil stage). This explains the considerable input of time and finance into a mail survey that may, in retrospect, and in view of the final design and aims of the thesis, seem excessive. Nonetheless, the basic aim of the survey has been achieved in that it forms the foundation on which the important discussion on the effects of policy-making on the policy environment is based (Chapter 7). In addition, some survey material is used elsewhere during discussions policy-making and interest representation. Several published articles have centred around the analysis and discussion of the survey material, too (see Appendix V). These applications and the learning process with regards to methodology, which formed an intrinsic part of the execution of the survey, justify beyond dispute the heavy input of resources into this particular survey. A brief, but critical discussion of the learning process associated with this mail survey follows.

## 2. Questionnaire Design and Response Rate

Although some relevant data have been collected successfully, the low response rate is at least in part a result of certain weaknesses with the design and dispatch of the survey. Mail surveys tend to produce low response rates anyway, but the length of the questionnaire is likely to have put off potential respondents. Yet, it is generally acknowledged that a short questionnaire, designed solely to please the target group, and subsequently inadequate with regard to collecting sufficient relevant data is equally undesirable. Therefore, short questionnaires are not necessarily the answer to problems with response rate but, "...dreaming up interesting questions..."<sup>1</sup> appears to be a temptation for many questionnaire designers and has, to a small extent, lengthened the questionnaire on the SEM unnecessarily. In particular, Questions 19 and 20 come under this auspices and could have been left out. There were some unnecessary questions, too, notably Question 29 which was irrelevant because all questionnaires had been given an identifier anyway. Question 38 should have been pursued later, either by letter, telephone or, preferably, during an initial visit. However, a more radical redesign of the mail survey and the questionnaire might have enhanced response rate more than the simple omission of some non-essential questions.

The questionnaire was designed to provide information on perceptions, knowledge, actions and factors that mediate perceptions and actions. Perhaps it was too ambitious to attempt to collect all this information by way of a single questionnaire. Certainly, this objective explains the length of the questionnaire. Since first time respondents to the questionnaires were on the whole quite willing to answer further

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<sup>1</sup> Youngman *op.cit.*, p.4.

questions or to be interviewed, it may have been better to send an initial short questionnaire on perceptions only. Such a questionnaire could have been designed to start with the 'easy-to answer' questions 4, 6, 8, 11, followed by the harder questions 21, 22, 2, 3, 1. A follow up questionnaire on action questions (12, 14, 15, 17(i), 18, 21, 23, 28,) and mediating agents (7, 9, 10, 13, 16, 17(ii), 17(iii), 22, 25, 26, 27, 30, 31, 32, 33, 34, 35, 36) could have been mailed to first time respondents only. This approach would probably have increased the manageability of the survey, reduced costs and time investment and may will have enhanced the final response rate.

The second questionnaire on action could have been shortened further by eliminating a series of questions, namely 7, 9, 10, 13, 16, 17(ii), 17(iii), 30, because they all proved to be unnecessary, too, albeit for varying reasons. Question 7 does not differ sufficiently from Question 17(i) to warrant having two such long questions. Questions 17(ii) and 17(iii) were ignored frequently and failed to establish whether the arrival of the SEM had stimulated more extensive research on European matters in general, and SEM issues in particular, among respondents. Question 30 was also superfluous in view of Question 12 which provided essential information on the position of those people in organisations who were responsible for SEM and other European matters. The answers to Question 9 were largely unusable and, it seems, that many respondents simply voiced some semi-mythical, stereotypical views about the efficiency or inefficiency of business organisations in other member states, without giving the matter serious thought and/or basing their answer on factual experience. At best, limited personal experience directed their choice of answer. In view of these problems, Question 9 did not help to clarify the intricate matter of the mediating effects of national business cultures, discussed briefly in Chapter 7. Most respondents stated that they were not qualified to answer Questions 10 or 13 and answers were often guess work. Alternatively, these questions were not answered at all.

It may seem strange, indeed unsatisfactory, to redesign a questionnaire in retrospect. However, in most instances, the above improvements could be made only with the benefit of hindsight. Regrettably, the literature on questionnaire design is of limited use to the inexperienced researcher, because it is often controversial, indeed, sometimes blatantly contradictory. For example, Youngman maintained that length inevitably reduces response rates but that, sometimes, long questionnaires are necessary.<sup>2</sup> Yet, he failed to state what he meant by 'long' questionnaire, to what extent length would reduce response rate and on what occasions 'long' questionnaires were necessary. Similarly, he advocated that questionnaires should generally begin by asking for biographical material but that, sometimes, this approach was too intrusive. He did not elaborate on this advice either. Quite probably, Youngman did not specify his proposals further because each research project needs individual attention and generalisations on questionnaire design may easily be unhelpful, because the nature of target market is extremely important and must be borne in mind when designing a questionnaire. This conclusion may seem obvious to an experienced researcher, but should be discussed more frequently in literature on methodology and questionnaire design for the benefit of the inexperienced researcher.

With regard to the two mail surveys undertaken for this project, considerations about the nature of the target markets were very important but the researcher became aware of this fact only in retrospect. On the whole, representatives of business organisations were quite suspicious towards the survey, and in particular towards questions requesting biographical details (e.g. annual turnover) or insider knowledge (e.g. the presence/absence of a strategic plan for the SEM and the nature of such a plan, where appropriate). Many business organisations were opposed to

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<sup>2</sup> *ibid.*

answering mail survey questionnaires in principle and many rejected the notion on the basis that they were inundated with requests to complete questionnaires and could not spare the time to oblige. These issues did not distort the response rate to the questionnaire on Lobbying in the Single European Market and it seemed that many officials, administrators, politicians, etc., saw it as part of their duty to respond to the questionnaire that was sent to them. In this respect, the attitudes of the target groups were quite different and probably help to explain the significant differences with regard to response rates.

It would appear that the needs of the researcher do not always overlap with the needs of the target group(s) which poses a fundamental problem to the former. For example should he/she avoid sensitive questions in the hope that more respondents will complete the questionnaire or should such questions be included, since they may produce crucial data, even if the response rate is affected negatively? There are some drawbacks that the researcher cannot control significantly, e.g. entrenched negative attitudes towards mail surveys by target group(s) or lack of trust towards the integrity of an unknown researcher. For these reasons, personal, direct interviews, which overcome anonymity, may be an intrinsically more fruitful way of gathering information. In addition to these drawbacks, researchers have to deal with another problem. Namely, satisfactory questionnaire design requires the researcher to possess a thorough understanding of the target group(s) and of the objectives of the research project. Yet, researchers have often little knowledge of either of these aspects at the outset of their project but time constraints force them to undertake mail surveys at an early stage of their project. With regard to the questionnaire survey under discussion, such pressures existed and, regrettably, they were not constructive. With the benefit of hindsight, it would have been much better to undertake a complete literature survey, gather, read and analyse written documentation and carry out a small number of pilot interviews *before* designing the questionnaire.

### 3. Further Reasons for a Low Response Rate

Design faults and target group attitudes do not explain fully the low response rate. According to Jobber and Saunders' model calculation for the prediction of response rate, the survey concerned with responses should have yielded an 11% return rate.<sup>3</sup> Moreover, the return rate for the pilot was 25%. Whatever the limitations of these two indicators, the expected and actual response rates remain significantly different. The waste rate helps to explain this difference. Some 25% of questionnaires were wasted because the addresses were incorrect, or more often, because owners had moved or business had ceased, or been absorbed, etc. Such changes are notorious to the food and beverage industries which are characterised by a large number of tiny enterprises and, subsequently, a very high failure and turn over rate. The number of very small businesses is so large that Dunn & Bradstreet were unable to deliver even 500 addresses for each country for enterprises with 10 plus employees. Hence, it was necessary to include smaller organisations, too. Indeed, the survey would have been even less representative, if they had been left out, although the waste rate would most probably have been lower.

The size of the organisations affected response rate negatively in other ways, too. For example, many of the smallest organisations refused to complete the questionnaire, either because they lacked the resources or felt it to be irrelevant, as far as they were concerned. There were also a number of entrepreneurs who stated that they could not complete the questionnaire because they had not been in business for long enough to have any opinions on, or knowledge of, the issues

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<sup>3</sup> D. Jobbers & J. Saunders, 'The Prediction of Industrial Mail-Survey Response Rates', *Journal of the Operational Research Society*, 40(1), 1989, pp.839-47.

addressed in the questionnaire. Virtually all very large companies refused to complete the questionnaire on principle, too. Most of them responded in other ways though and a lot of usable material was accumulated through these contacts which did however not show up as questionnaire data.

#### **4. Questionnaire Analysis**

With regard to quantitative analysis, there is frequently controversy over the choice of tests and the subsequent interpretation of these. However, for this survey, frequencies and cross-tabulations, combined with Chi-square significance testing, were the only viable options, because other tests would have been meaningless given the nature of the variables and the low representativeness of the data. Since the questionnaire contains many nominal variables, it was often impossible to determine any measures of central tendency or dispersion such as the mean, variance and standard deviation or the median. Modes and variation ratios could have been established but, given the problems with representativeness, it seemed pointless to do so.

With regard to bivariate analysis, non-parametric tests were out of the question, due to the nature of the variables. In practice, the researcher was limited to Chi-square tests because other non-parametric tests which can be carried out with nominal variables, e.g. the McNemar test, are simply not applicable to the survey data. Few Chi-square tests produced a significance level at .005 and, beyond signalling trends, the numerical validity of the Chi-square tests was limited in any case by the problems of statistical significance and representativeness referred to in Chapter one.



## **5. Conclusion**

It has been established beyond doubt that the mail survey on the Effects of the Single European Market formed a valuable and integral part of this project, although its design and delivery could have been improved, if resources such as time constraint, finance, knowledge, etc. had been more abundant at the time of the design. These shortcomings should however not detract from the wealth of usable material produced by the survey. This information produced some results in its own right and also served as the necessary basis for more in-depth interviewing.

## **APPENDIX II**

Oxford,

RE: LOBBYING AND THE EUROPEAN SINGLE MARKET

Dear

I am a postgraduate teaching assistant at Oxford Polytechnic, and I am also working on a doctorate which is entitled *'The Single European Market and the Food and Drinks Processing Industries of France, Germany and the UK'*. An integral aspect of this research is the exploration of lobbying activities of EC institutions. Basically, I am trying to find out, if such activities have intensified as a result of the Single European Act and its implications. Also, I would like to know if new patterns of lobbying are emerging, and whether or not lobbying activities have any influence on EC policy-making. Although my thesis specialises in the food industry, I find it necessary to put the questions about lobbying to a broader audience, because activities associated with a single sector may not give me a broad enough insight into current EC lobbying patterns.

I am very much aware of the diffuse nature of this topic and the impossibility of giving factual answers. Nevertheless, I would be extremely grateful to you, if you could complete the enclosed, short questionnaire, by simply giving me your views on the issue of lobbying. It goes without saying, *that all information will be treated in strictest confidence*, that is, information will only be used in a way which does not reveal any personal details or other obvious identifiers.

If you have any relevant documentation on either lobbying and the EC, or the Food and Drinks Processing Industry and the EC, I would be extremely grateful if you could enclose such information with the completed questionnaire. I would obviously be equally pleased to receive relevant documentation, even if you opted not to complete the questionnaire.

In return for your co-operation you are welcome to a short report on the lobbying issue, once data has been analysed (qualitatively only) and processed. If you are interested in receiving a copy of such a report, please state so in the space foreseen on the actual questionnaire. I have also enclosed a short summary of my entire thesis. Please let me know, if you are also interested in any other aspects of my work.

As I have to work to a rather tight schedule, I would be extremely grateful, if you could return the completed questionnaire to me by

Please do not hesitate to contact me at any time should you have any queries. My direct telephone number at Oxford Polytechnic is 0865 819703; I can usually be contacted there on Mondays and Thursdays. The relevant fax number is stated above. My home telephone number is 0604 36921.

I would like to thank you in advance for your much appreciated co-operation and for the interest you take in my research work.

Yours

Brigitte Boyce (Mrs.)  
BA (hons)

encl.

### Summary of Thesis

The thesis is entitled 'The Single European Market and the Food and Drinks Processing Industries of France, Germany and the UK'. It is essentially a study of Single European Market policy formulation, implementation and impact on the food and drinks processing industries of the three countries mentioned in the title. Clearly, food directives are of primary significance but more general directives on taxation, barrier removal, social policy etc. are obviously also relevant. The study is centred around two main areas: Firstly, policy formulation, and more precisely the role and significance of interested parties in policy formulation, i.e. the role of lobbying. Secondly, the reactions of the food and drinks processors to the EC directives and the effects of such actions on individual organisations. The first main area of study is investigated within the theoretical framework of political theories on lobbying and policy-formulation. The second area draws heavily from organisational theories and theories on the management of change. However, in both cases the core consists of original material gathered through questionnaires, interviews, observation and the scrutiny and analysis of relevant documentation.

\*\*\*\*\*  
\*\*\*\*\*  
\*\*\*\*\*

*LOBBYING*  
*AND*  
*THE SINGLE EUROPEAN MARKET*  
  
(QUESTIONNAIRE)

\*\*\*\*\*  
\*\*\*\*\*  
\*\*\*\*\*

ALL INFORMATION WILL BE TREATED IN  
STRICTEST CONFIDENCE

\*\*\*\*\*

YOUR HELP IS GREATLY APPRECIATED.

\*\*\*\*\*  
\*\*\*\*\*  
\*\*\*\*\*

NOTE:

By 'lobbying' I understand the attempt to influence EC policy-making before a directive is adopted by the Council of Ministers. By 'lobbyists' I understand anybody who attempts to influence policy, and not just professional lobbyists.

\*\*\*\*\*

1. Have lobbying activities of any or all EC institutions intensified, since the Single European Act came into force in 1987? If so, is the intensification directly due to the Single European Act and its implications?

.....  
.....  
.....

2. Please rank the following four EC institutions in order of their importance as lobbying 'targets'?

EC Commission	=
EC Parliament	=
EC Council of Ministers	=
ECOSOC	=
<i>1 = most important</i>	<i>2 = second most important</i>
<i>3 = third most important</i>	<i>4 = least important</i>

3. Are there any 'unwritten rules of the game' which shape lobbying activities of the EC institutions? If so, please list these 'unwritten rules of the game' briefly.

.....  
.....

4. How easy is it for lobbyists to gain initial access to EC institutions?

.....  
.....

5. How easy is it for lobbyists to gain repeated access to EC institutions?
- .....
6. How easy is it for lobbyists to gain access to relevant EC documentation which has not yet been made official or which is not made official at all?
- .....
- .....
7. Is sound factual and/or technical and/or scientific knowledge of an issue in question a necessary precondition for successful lobbying with EC institutions?
- .....
- .....
8. How important are personal contacts with EC officials as far as lobbying is concerned?
- .....
- .....
9. Does *nationality* play a role in the outcome of lobbying activities with EC institutions? If so, what is the exact role that nationality plays?
- .....
- .....
10. What do EC officials gain from the on-going lobbying activities?
- .....
- .....



11. Overall, what skills and factors make for effective lobbying with EC institutions? Are these the same skills and factors that are required for lobbying national government institutions in individual EC countries?

.....

.....

.....

12. On balance, do lobbying activities of EC institutions influence EC policy-making? If so, in what ways and to what extent?

.....

.....

.....

13. Has the lobbying of EC institutions taken on more importance than the lobbying of national governmental institutions in individual EC memberstates?

.....

.....

.....

14. Is the present lobbying pattern of EC institutions likely to change in the foreseeable future? If so, how and why?

.....

.....

.....

15. Is there already, or is there going to be, a typical EC lobbying tradition, which is recognizably different from the lobbying traditions of the individual EC memberstates? If so, what are/will be the main characteristics of this EC lobbying tradition?

.....  
.....

16. Please state the function (eg. EC Commission and DG number, MEP, trade association, professional consultancy etc. etc.) of your organisation:

.....

17. Please indicate your position in your organisation:

.....

18. Please *circle below* if you are interested in receiving my short summary paper on lobbying activities in the EC with reference to the food and drinks trade, once it has been compiled. If so, please also state a contact name, so that the report can be forwarded as soon as possible.

**YES, I AM INTERESTED IN YOUR SUMMARY PAPER.**

19. Please indicate below if you are willing to pursue the above issues further in a short interview, either over the telephone or in person, at a time and place at your convenience.

.....

\*\*\*\*\*

***MANY THANKS FOR YOUR MUCH APPRECIATED CO-OPERATION.***

\*\*\*\*\*

**ALL ANSWERS ARE TREATED IN STRICTEST CONFIDENCE.**

\*\*\*\*\*

## **APPENDIX III**

## **POOL OF INTERVIEW QUESTIONS<sup>1</sup>**

### **General Questions to Representatives from Various Backgrounds**

In your view, what are the advantages and disadvantages of the SEM?

Is small business particularly disadvantaged, re SEM?

In your view, is the food and drinks processing industry preparing effectively for the SEM?

Which SEM issues preoccupy you currently most?

What does the future look like for your members/ for you/ for firms of your type/ for the European food and drinks processors?

How far has the food industry already achieved a SEM?

Is there increased co-operation, or competition, among food industry due to the creation of a SEM?

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<sup>1</sup> Some qualifications are necessary. Firstly, questions from the various questionnaires were also used when appropriate, but are not repeated here. Moreover, the questions listed may have been altered slightly, where appropriate, given that some interviews were partially informal. Also for reasons of manageability, follow up questions, related to answers given by interviewees, are not listed here. Moreover, questions were refined during the interview period, and increasingly, they aimed to uncover more subtle processes, such as covered equally by the follow up questionnaire to the questionnaire on Lobbying and the SEM (see Appendix II) Usually, interviewees were also asked to provide (an) example(s) wherever possible so as to substantiate their answers.

To what extent, in your view, is preparation for the SEM mediated by existing historical and cultural habits?

Please state your views in general on the European Union's approach to law making.

With regard to food/ agricultural/ social policy-making in the European Community, would it, in your view, be better to operate with more regulations and less directives so as to ensure greater homogeneity with reference to legislation? If so, why?

In view of the creation of an integrated market among EC member states, should national governments still be allowed to impose stricter rules (e.g. beer purity law in Germany) on producers in their individual countries? Please give reasons for your answer.

Are you content about the adoption of the 'principle of mutual recognition approach'?

In your view, do European policy makers attempt to change legislation that works?

Overall, can EU politicians in your view remain independent of the influence of lobbyists if they choose to?

When confronted with the term lobbying, what do you understand by it?

How does lobbying and decision making in the European Community work in practice - please describe in detail what happens and how decisions are arrived at - formally and informally.

Please describe the attitudes of the Commission, the MEPs, the national civil servants, based in Brussels, towards the input of lobbyists into European policy making.

Can high level Commission staff and Commissioners completely overthrow policy drafts?

Do you have sufficient time to analyse policy proposals and draft satisfactorily?

Can you exploit internal divisions among other policy makers, esp. e.g. within any one institution such as the Commission? If so, how and with what effect?

What do you make of the growth of professional lobbyists in Brussels?

Assess the relative contribution of national civil servants, both in the member states, and in Brussels, on the outcome of policy making in the areas of food/ agricultural/ social policy making.

Assess the role and influence of consumer/environmental lobbies in SEM policy making in your area.

With regard to decision-making in the European Union, who is in your view in the 'driver's seat'?

Have you attempted to discover what is going on in Council of Minister meetings?

What channels of lobbying do you use?

To what extent, in your view, is European policy making shaped by existing historical and cultural attitudes, both among policy makers and consumers, in terms of consumption habits/ - in food policy area

To what extent do technical and scientific issues take precedence over political issues in the area of food/ agricultural/ social policy making at the European level?

In your view, how does lobbying affect European policy making in the areas of food/ agricultural/ social policy making?

Literature and commentators generally suggest that at present EC lobbying is fairly open and comparatively 'uninstitutionalised', that is there are no written and few unwritten rules. Do you consider this to be (a) true, (b) a satisfactory situation, (c) a situation that will change in the near future?

Besides the formal requirements, are there any informal contacts between the Commission and other EU institutions? If so please, describe these and assess whether they have any influence on the formal policy-making process.

Do you think that the Commission/ EP/ COREPER favour certain lobbyists/ private interests over other? If so who? on a permanent basis? why? to what extent? to what effect?

In your view, is there much conflict during the process of European policy making? If so, where, how, why? If not, how would you describe the nature of this process?

In your view, is there a corporate culture within the European Commission?

How independent are the individual DGs? Please describe your experience(s) of the relationships between the DGs.

Are lobbyists more likely to contact EU officials/politicians of their own nationality?

Are EU officials more likely to seek advice for draft legislation from interested parties/experts who are of the same nationality?

In your view, are there any national groupings within the policy making process that are likely to ally with one another? Are these always ad hoc arrangements? Are there signs of any semi-permanent or permanent alignments between national groups?

Do your own political/ideological convictions affect your input in the policy process?

In your field of operation, how important are European developments to you, compared to global developments?

Can you please tell me something about the attitudes of food and drinks industrialists towards the European's social policy programme/ environmental legislation/ CAP reform/ financial market integration in Europe/ attempts to harmonise VAT?

Can there be a truly integrated market without full harmonisation of all indirect taxes?

In your view, will the European Union at some point have to start discussing seriously direct taxation so as to be able to have sufficient funding to pursue all its aims?

Please attempt to evaluate the significance of the following issues compared to the significance of the establishment of a single European market, from your particular perspective?

- a) CAP reforms; CAP policy making
- b) Developments in former Eastern European countries and their relationship with the EU
- c) Developments with regard to international trade agreements such as GATT
- d) Economic and Monetary integration among EU member states

### **Questions to Representatives from Industry**

In what ways have trade associations/ government institutions, etc. been helpful/unhelpful in respect of information, etc. to assist you with the preparation for the SEM?

Compared to your other activities, how important is (a) lobbying government/ European institutions and (b) gathering information on new government/ European legislation?

What strategies and techniques do you employ to ensure the success of your lobbying activities?

Has the SEA changed your lobbying strategies markedly? If so how and why?

What connections, relationships, do you have to trade associations/ government/ EC institutions?

How important are personal contacts when lobbying European decision-makers?

Do you concentrate primarily on lobbying European institutions, or do you also target national decision-makers?



Do policy makers, nationally, and at the European level, pay enough attention to the needs of food and drinks processors? If not, what else should they do and why do you think that they do not pay sufficient attention to the needs of food and drinks processors?

Does the Europeanisation and Concentration of the Retail Industry affect your organisation? If so in what ways?

**Questions to Individual Respondents to the Questionnaire on the Effects of the SEM on the European Food and Drinks Processors and on a Small Number of Relevant Representatives from Trade Associations. These Questions Relate Directly to Some of the Mail Survey Results**

Can you explain the low response rate of food and drinks processors to my questionnaire? What made you respond to my questionnaire?

Can you explain the

- a) limited preparation and the discrepancy between awareness and preparation levels?
- b) the relative lack of interest and awareness of staff in relation to the SEM?
- c) the widespread view that the arrival of the SEM will not significantly alter the character of (your/ an) organisation (concerned with food or drinks processing)?

**Questions to Representatives of Trade Associations, Professional Bodies, Professional Lobbyists, etc. (at sub-national, national and European levels)**

How do you manage aggregation of opinion within your organisation?

Are your opinions necessarily 'lowest common denominator' opinions?

In what ways do you ensure that your members are kept informed about events/ changes/ new legislation related to the European Community? How do you ensure that information is received and understood? What particular problems and issues are associated with your function of information collection and dissemination?

What percentage of the.....industry are you representing?

What is the structure of the.....industry?

How export-oriented is the.....industry? Does the bulk of exports concentrate on the European Union?

How competitive is the.....industry?

What are the major queries by your members re (the SEM and) food/ agricultural/ social policy making?

How much knowledge do your members have of European food/ agricultural/ social policy making (and the SEM?) Is this superficial or detailed/ in depth knowledge? What are the main sources from which your members acquire knowledge?

How well are your members preparing for the SEM?

How important is the SEM to your members (objectively and subjectively)?

How much do your lobbying activities depend on pressures, or lack of pressures, from sub-national/ national/ sectoral associations/ individual members of your association?

Compared to your other activities, how important is (a) lobbying government/ European institutions and (b) gathering information on new government/ European legislation?

What strategies and techniques do you employ to ensure the success of your lobbying activities?

Has the SEA changed your lobbying strategies markedly? If so how and why?

What connections/ relationships do you have to European level associations/ government/ EC institutions?

How important are personal contacts when lobbying European decision-makers?

Do you concentrate primarily on lobbying European institutions, or do you also target national decision-makers?

Do you, and if so, in what ways, trade information with other trade associations?

How do you trade information with representatives from EC institutions?

Do you have any bilateral contacts with trade associations in other member states?

Do you lobby public institutions/politicians from other member states?

Please explain the politics and activities of the/ surrounding the

- a) Potato Regime issue?
- b) The Banana issue?
- c) Vegetable fat in chocolate issue
- d) Breast Feeding issue
- e) Additives and Food Colour issue

What do you hope to achieve by opening up an office in Brussels?

Does the Europeanisation and Concentration of the Retail Industry affect your members? *If so in what ways?*

**Special Additional Questions to Interviewees working for the CIAA and other Interviewees who were very Familiar with the Reorganisation that had taken Place in the CIAA in Response to the Challenges Arising from the Creation of an Internal European Market**

What were the exact reasons behind your/ CIAA's recent reorganisation?

What do you think that you/ CIAA have/ has achieved with your reorganisation?

How are you/ is CIAA tackling the problem of having to represent, at the European level, a very varied and fragmented industry?

Please describe your relationships and exchanges with the various EC institutions and other lobbying groups, concerned with food policy making, both at the European and national levels.

How frequently do you meet staff from the Commission (Parliament; Permanent Representations, etc.) on a) a formal, b) an informal basis?

### **Questions to Representatives of Official Government and European Community Institutions**

With regard to food policy making/ the CAP reform/ social policy making, who is lobbying you most frequently/intensively? on what issues exactly? To what end? With what effect?

Constitutionally, the Commission is NOT required to ask outside bodies, e.g. lobbyists, for their opinion. When does it request the opinion of such groups/people anyway? Why? What are the answers you are looking for and what criteria are you using to evaluate the answers?

How do you react if you are approached by an interested party on a topic on their initiative? Does it depend who it is?

What are your criteria for choosing who you consult?

How do you determine the extent to which you involve organisations/people that you consult?

Do you always remain in charge of the drafting of legislation, even if you are consulting heavily?

Is your attitude towards information provided, and demands made different, with non-institutional organisations/people that you have consulted, as opposed to those who approach you at their own initiative?

Please explain the politics and activities of the/surrounding the

- a) Potato Regime issue?
- b) The Banana issue?
- c) Vegetable fat in chocolate issue
- d) Breast Feeding issue
- e) Additives and Food Colour issue

How do MEPs react when approached by lobbyists?

How accessible are MEPs to lobbyists?

In your view, are MEPs more or less open to be influenced by lobbyists than European officials?

Do MEPs contact directly experts, if they wish to build up a picture of a particular policy issue?

Within the European Parliament, what are the relations between the Agricultural Committee and the Environmental, Public Health and Consumer Committee? Particularly over the CAP reform and the legislative measures for the food and drinks industries drawn up under the SEM legislative programme?

If an MEPs' opinion on a policy issues differs from the main stream view of a) the party grouping in the EP b) the MEPs national party, c) the EP's committee on which the MEP sits how much freedom has the MEP to persist with his/her view?

As an MEP, are you able to influence your party's views on European policy issues?

Do MEPs feel patronised by Commission officials?

Are MEPs predominantly guided by political or by technical concerns, when trying to form an opinion about a particular policy issue/legislative draft?

### **Additional Questions Asked, and Requests Made, to All Interviewees**

In addition, questions from the various questionnaires were used as appropriate and all interviewees were asked for details of activities, organisational and decision-making structures as appropriate. They were also asked for any additional written data, e.g. minutes, reports, documentation and any other information which they considered to be relevant for the project. In addition, they were asked to provide examples to substantiate the points that they were making.

## INTERVIEWEES<sup>2</sup>

### Consultants, Lobbyists

S. Barber, Head of European Operations, Kent County Council, Maidstone, 1992  
N. Barton, Country NatWest, London, 1992  
Centre for European Policy Studies, Conference Organiser, Brussels, 1992  
J. Ganzevoort, Paris, 1992  
K. Gardner, Member of the Economic and Social Committee of the European Communities and Mars plc, Windsor, 1992  
O. Gray, EU Committee of the American Chamber of Commerce and Industry, Brussels, 1991 and 1992  
P. Gray, Adviser to the Commission of the European Communities, Brussels, several interviews  
W.P. Hilverda, Van Spaendonck, The Hague-'s Gravenhage (NL), 1991  
Honeywell, Senior Manager, Brussels, 1991 and 1994  
Leatherhead RA, Leatherhead, 1990 and 1992,  
R. Monbiot MBE, Rotherfield Management Ltd., Henley on Thames, 1991  
B. O'Connor, Stanbrook and Hooper, Brussels, 1991  
D. Owen, Director, McIntyre - Owen Associates Ltd., London, 1992  
R. Pedler, European Centre for Public Affairs, Templeton College, Oxford, 1991  
O. Schmuck, Institut für Europäische Politik, Bonn, 1991  
J. Schwager, World Economic Forum, Geneva, 1990  
G. Stahr, Köln  
T. Stocker, Brussels, 1991  
S. Symes, Royal Institute of International Affairs, London, 1994  
Ch. N. Taylor, Jacobs Suchard, Neuchâtel (CH), 1990  
M. White, Consultancy Services, Aylesbury, 1992

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<sup>2</sup> For reasons of confidentiality, it is usually not possible to give anything but the firm's/institution's names. Certainly, it would be unethical to mention individual names where interviewees wished to remain anonymous (in most cases). Given the variety of interview sources, interviewees ranged from junior to very senior levels and organisational size varied considerably, e.g. between multinationals and one person enterprises. This variety is thought to be beneficial, as it provides views from different angles about the same topics.

## **Trade Associations**

ANIA, Paris, 1992  
ASSILEC, Brussels, 1991  
Association des Brasseurs de France, Paris, 1992  
BEUC, Brussels, 1991  
BCCCA, London, 1991  
British Poultry Meat Federation Ltd., London, 1991  
British Society of Flavourists, London, 1991  
Bund für Lebensmittelrecht und Lebensmittelkunde, Bonn, 1991 and 1994  
Bundesverband der Deutschen Spirituosenindustrie, Bonn, 1991  
Bundesverband Deutscher Industrien (BDI), (Euroschalter), Köln, 1991  
Bundesvereinigung der Deutschen Arbeitgeberverbände, Köln, 1991  
Bundesvereinigung der Deutschen Ernährungsindustrien, Bonn, 1991 and 1993  
Bundesvereinigung der Deutschen Feinkostindustrie, Bonn, 1991  
Bundesvereinigung der kartoffelverarbeitenden Industrien, Bonn, 1991  
Bundesvereinigung des Groß- und Außenhandels für Molkereiprodukte, Bonn, 1991  
Bundesvereinigung für Mischfutterhersteller, Bonn, 1991  
CAOBISCO, Brussels, 1991  
CBI, Brussels Office, Brussels, 1991  
CBI, HQ, London, 1992  
CMA, Bonn, Köln, London, 1990, 1991 and 1992  
CECG, London, on several occasions  
CEFS, Brussels, 1991  
CIAA, Brussels, 1991 and 1992  
CNPf, Paris, 1992  
Confédération Générale de l'Alimentation en Détail, Paris, 1992  
Confédération Nationale de la Pâtisserie, Confiserie et Glacerie de France, Paris, 1992  
Conseil des Communes et Régions d'Europe, Brussels, 1994  
COPA-COGECA, Brussels, 1991  
DTF, Brussels Office, Brussels, 1991  
DTF, London, 1992  
Deutscher Brauer Bund, Bonn, 1991  
Deutscher Industrie- und Handelstag, Bonn, 1991  
Deutscher Milchindustrieverband, Bonn, 1991  
Deutscher Weinbauverband, Bonn, 1991  
FDF, London, 1991 and 1992



Food from Britain, London, 1990  
 The Gin Rectifiers and Distillers Association and the Vodka Trade Association, Andover, 1991  
 Milk Marketing Board, Thames Ditton, Surrey, 1991  
 PMB, Oxford, 1991  
 Potato Processors' Association, London, 1992  
 Scotch Whisky Association, Edinburgh, 1992  
 UNICE, Brussels, 1991  
 Union Européenne des Alcools, Eaux-de-Vie et Spiritueux, Brussels, 1991  
 Union Nationale des Producteurs & Distributeurs de jus de fruits et de légumes, de nectars & de boissons aux fruits de la métropole et d'outre-mer, Paris, 1992  
 Verein zur Förderung des Süßwarenexportes, Bonn, 1991 and 1992; (interviews and two whole days' participation in the association's annual meeting and deliberation on SEM strategy; autumn 1991)  
 Wirtschaftliche Vereinigung Zucker, Bonn, 1991  
 Zentralverband der Deutschen Geflügelindustrien, Bonn, 1991

### **Food and Drinks Processors**

H. Blechwedel GmbH, Hamburg, 1991  
 P. Born GmbH, Schokoladenfabrik, Friedrichsdorf/Ts. (G), 1991  
 M. Braun, Backmittel und Essenzen KG, Hannover, 1991  
 British Salt, 1992  
 BZZ b.v., AD Zoetermeer (NL), 1991  
 Coca Cola Produits, Bergues (F), 1991  
 Different Delights, Portsmouth, 1991  
 M. Dimke Fleischwaren GmbH & Co. KG, Mönchengladbach (G), 1991  
 Ebrinke Fleisch, Dortmund, 1991  
 Ehrmann AG, Oberschönneg im Allgäu (G), 1991  
 H. Eidenschink, Bergader Käsewerk Basil Weixler GmbH, Waging a. See (G)  
 Fleischspezialitäten, Tannhausen (G), 1991  
 Foodex (UK) Ltd., London, 1991  
 D. Guesdon, Saint-Cyr-Du-Bailleul, 1991  
 Holsten Brauerei AG, Hamburg, 1991  
 Kraft General Foods, Brussels Office, Brussels, 1991,  
 Smith's Superfeed, Stroud, 1991  
 Millers Damsel Enterprises Ltd., Isle of Wight, 1991

Nestlé, Croydon, 1991  
 W.D Millit & Son Ltd., Derby, 1991 (all day visit; several interviews)  
 A. Oetker GmbH, Bielefeld (G), 1991  
 A. Ritter GmbH & Co. KG, Schokoladenfabrik, Waldenbuch (G), 1991 (all day visit; several interviews)  
 Sauerzweig Feinkost GmbH, Stuhr-Seckenhausen (G), 1991  
 Schladerer Spirituosen, Staufien (G), 1991 (all day visit; several interviews)  
 Seeberger Spezialitäten, Ulm (G), 1991  
 Spencer & Rae Ltd., Bradford, 1991 (all day visit; several interviews)  
 Stuttgarter Fleischwaren GmbH, Stuttgart, 1991  
 Ulmer Schokoladen, Wilhelmshaven (G), 1991  
 Le Vexin, Vallangoujard (F), 1991  
 Weimarer Wurstwaren, Weimar (G), 1991  
 Westfaelische Fleischwarenfabrik, Steinhagen (G), 1991

### **Public Institutions and Politicians**

Bundesministerium für Ernährung, Landwirtschaft mit Forsten, Bonn, 1991  
 Bundesministerium für Wirtschaft; 1992-Auskunftsschalter; Bonn, 1991  
 The Commission of the European Communities, DG III, 1991 and 1993  
 The Commission of the European Communities, DG VI, Brussels, 1991 and 1994  
 The Commission of the European Communities, DG XXIII, 1991  
 Department of Trade and Industry, 1992 Information Line, London  
 The Economic and Social Committee of the European Communities, Brussels, 1992 and 1994 (observation and several interviews with various members and staff in 1992; a further interview with a staff member in 1994)  
 The European Parliament, Brussels, 1991 and 1994 (staff and MEPs)  
 Europäisches Parlament, Bonn, 1991 (staff)  
 Frau Hühnerbein, assistant to Frau Ursula Schleicher, MEP, Bonn, 1991  
 Ministère de l'Agriculture et de la Forêt, Paris, 1992  
 Ministry for Agriculture, Food and Fisheries, London, 1992  
 UK Permanent Representation with the European Union, Brussels, 1991  
 Représentation Permanente de la France auprès de l'Union Européenne, Brussels, 1992

# **EXTENSIVE ADDITIONAL WRITTEN**

## **INFORMATION OR DOCUMENTATION<sup>3</sup>**

### **Consultants and Lobbyists**

British Standards Institute, BSI Head Office, London  
The Corporate Intelligence Group Ltd., Brussels  
Food and Agriculture Organization of the United Nations, Rome  
W. Nicoll, EC Fellow, Centre for European Community Studies, George Mason University, Arlington, Virginia, USA  
A.C. Nielsen GmbH, Frankfurt a. Main  
A. Robinson, Institute of Directors, London, and member of the ESC, Brussels  
B. F. Smith, Impacte International, St-Ilpize (F)  
Verein für politische Bildung, Bonn, 1991

### **Trade Associations**

The British Egg Industry Council, London  
The British Meat Manufacturers' Association, London  
The British Soft Drinks Association Ltd., London  
Bundesverband der deutschen Fischindustrie und des Fischgroßhandels e.V., Hamburg  
Bundesverband mittelständischer Wirtschaft, Bonn  
Centre français du commerce extérieur, Direction des produits agro-alimentaires, Paris  
Conseil Européenne de l'industrie chimique (CEFIC), Brussels  
English Vineyards Association, London  
The Hull Fish Merchants Protection Association Ltd., Hull  
The Institute of Grocery Distribution, Watford  
International Sweeteners Association, Brussels  
National Association of Master Bakers, London

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<sup>3</sup> Virtually all interviewees provided additional documentation, too.

Scottish Association of Master Bakers, Edinburgh  
The Shellfish Association of Great Britain, London  
Syndicat de la rizerie française, Paris  
Union Coopérative de Viticulteurs Charentais, Cognac, 1991

### **Food and Drinks Processors**

Groupe BSN S.A., Paris  
Cadbury Schweppes plc, London  
Dinan Surgelation S.A., Dinan (F)  
Eurodaufruit S.A., Allex (F)  
Grand Metropolitan plc, London  
Mars Inc., Slough  
Rowntree Mackintosh Ltd., York

### **Public Institutions and Politicians**

The Commission of the European Communities, DG V, Director, Brussel  
The Commission of the European Communities, DG XVI, Member of the  
Commissioner's Cabinet, Brussels  
Department of Trade and Industry, T. Sainsbury's Office, London  
The European Parliament, Brussels and Luxembourg, MEPs and staff  
Northamptonshire County Council

## **APPENDIX IV**

## **LIST OF ABBREVIATIONS AND ACRONYMS**

AG	=	Aktiengesellschaft (Plc)
ALTENER	=	Community Action Programme for greater use of renewable energy sources
ANIA	=	Association Nationale des Industries Agro-alimentaires, Paris (National Association of Food, and Drinks Processors)
ANUGA	=	Allgemeine Nahrungs- und Genussmittel Ausstellung, Köln (International Food and Beverage Exhibition)
ASSILEC	=	Association de l'industrie laitière de la CE, Brussels (EC Dairy Trade Association)
BCCCA	=	The Biscuit, Cake, Chocolate & Confectionery Alliance, London
BDA	=	Bundesvereinigung der Deutschen Arbeitgeberverbände, Köln (Association of German Employers)
BDE	=	Bundesvereinigung der Deutschen Ernährungsindustrien, Bonn (Association of German Food and Drinks Processors)
BENELUX	=	Belgium, Netherlands, Luxembourg
BEUC	=	Bureau Européen des Unions de Consommateurs, Brussels, (European Consumers' Association)
BLL	=	Bund für Lebensmittelrecht und Lebensmittelkunde, Bonn (Association for Food Law and Food Policy)
BSI	=	Bundesverband der Deutschen Spirituosenindustrie, Bonn (Association of German Alcohol Distillers)
BSI	=	British Standards Institute, London
CAOBISCO	=	Association des industries de la chocolaterie, biscuiterie, biscotterie et confiserie de la CEE, Brussels (Association of the Chocolate, Biscuit and Confectionery Industries of the EEC)
CAP	=	Common Agricultural Policy

CBI	=	Confederation of British Industries, London
CE	=	Communauté Européenne (European Community)
CEC	=	Commission of the European Communities
CECŒ	=	Consumers in the European Community Group, London
CEE	=	Communauté Economique Européenne (European Economic Community)
CEFI <sup>C</sup>	=	Conseil européen de l'industrie chimique, Brussels (European Chemical Industry Council)
CEFS	=	Comité européen des fabricants du sucre, Brussels (European Sugar Manufacturers Committee)
CEN/CENELEC	=	European Standards Committees, Brussels
CEPS	=	Centre for European Policy Studies, Brussels
CGAD	=	Confédération Générale de l'Alimentation de Détail, Paris (General Confederation of the Food Retail Trade)
CIAA	=	Confédération des industries agro-alimentaires de la Communauté Economique Européenne, Brussels (Confederation of the Food and Drinks Industries of the European Economic Community)
CIS (countries)	=	Commonwealth of Independent States (non-Russian Federations of the former Soviet Union)
CMA	=	Centrale Marketinggesellschaft Deutscher Agro-Industrien, Bonn, Köln, London (Central Marketing Organisation of German Agricultural Industries)
CNPF	=	Conseil national du patronat français, Paris (National Council of French Employers)
CoM	=	Council of Ministers
COPA-COGECA	=	European Farmers' Union, Brussels
COREPER	=	Comité des représentations permanentes (Committee of Permanent Representations)
DG	=	Directorate-General

DIH	=	Deutscher Industrie- und Handelstag, Bonn (Association of German Chambers of Commerce and Industry)
DTF	=	Dairy Trade Federation
DTI	=	Department of Trade and Industry, London
EAEC/EEA	=	European Atomic Energy Community
EBM	=	Europäischer Binnenmarkt (Single European Market)
EC	=	European Community
ECOFIN	=	Council of European Economic and Finance Ministers
ECJ	=	European Court of Justice
ECOSOC/ESC	=	Economic and Social Committee of the European Communities
ECSC	=	European Coal and Steel Community
ECU	=	European Currency Unit
EEB	=	European Environmental Bureau, Brussels
EEC	=	European Economic Community
EG	=	Europäische Gemeinschaft (European Community)
EHO	=	Environmental Health Officer
EIPA	=	European Institute of Public Administration, Maastricht
EMS	=	European Monetary System
EMU	=	Economic and Monetary Union
EP	=	European Parliament, Europäisches Parlament
ERASMUS	=	Outgoing Higher Education Exchange and Co-operation Programme of the EC, operational since 1987
ERM	=	Exchange Rate Mechanism
ESF	=	European Social Fund



ESRC	=	Economic and Social Research Council (UK)
ETUC	=	European Trade Union Congress, Brussels
EU	=	European Union
FAO	=	Food and Agriculture Organization of the United Nations, Rome
FCO	=	Foreign and Commonwealth Office
FDF	=	UK Food and Drinks Federation, London
GmbH	=	Gesellschaft mit beschränkter Haftung (Ltd)
GMI	=	Grand Marché intérieur (European Single Market)
GATT	=	General Agreement on Trade and Tariffs
HMSO	=	Her Majesty's Stationery Office, London
IDACE	=	Associations des industries des aliments diététiques de la CEE, Paris (Association of Dietetic Foods Industries of the EEC)
IGC	=	Intergovernmental Conference
IR	=	International Relations
JET	=	The Joint European Torus (the largest and most powerful experiment yet attempted towards the development of nuclear fusion as a new energy source)
LINGUA	=	Outgoing Higher Education Exchange and Co-operation Programme of the EC for Language Students and Related programmes, operational since 1987
MAFF	=	Ministry for Agriculture, Food and Fisheries, London
MEP	=	Member of the European Parliament
MMB	=	Milk Marketing Board
MNC	=	Multi-national Concern
MP	=	Member of Parliament, UK
PE	=	Parlement Européen (European Parliament)

PMB	=	Potato Marketing Board, Oxford
QMV	=	Qualified Majority Voting
RA	=	Research Association
RIIA	=	Royal Institute of International Affairs, London
SA	=	Société Anonyme (Plc)
SCA	=	Special Committee on Agriculture
SEA	=	Single European Act
SEM	=	Single European Market
SME	=	Small and medium sized enterprise
SOCRATES	=	Updated and expanded version of ERASMUS, LINGUA and newer Higher Education exchange and co-operation programmes, expected to come on stream in 1997/8
SPSS/PC	=	Statistics Package for Social Sciences, Personal Computer version
TEU	=	Treaty on European Union ('Maastricht Treaty')
UEAES	=	Union Européenne des Alcools, Eaux-de-Vie et Spiritueux, Brussels (European Union of Distillers)
UN	=	United Nations
UNICE	=	Union des Confédérations de l'Industrie et des Employeurs d'Europe, Brussels (European Employers' Union)
VAT	=	Value Added Tax

SOME PARTS  
EXCLUDED  
UNDER  
INSTRUCTION  
FROM THE  
UNIVERSITY